

4 CORRECTIONS AND REVISIONS TO THE DRAFT EIR

4.1 INTRODUCTION

This chapter presents text changes to the SQSP Condemned Inmate Complex Draft EIR subsequent to its publication and public review. The changes are presented in the order in which they appear in the original Draft EIR and are identified by Draft EIR page number. Text deletions are shown in ~~strikeout~~, and text additions are shown in underline.

4.2 CORRECTIONS AND REVISIONS

Section 4.3, Biological Resources

Page 4.3-11, fourth full paragraph, is revised to read as follows:

The project would not substantially reduce the overall amount of wildlife habitat. Impacts on wildlife diversity and abundance would be minimal and the project would not substantially impede the movement of any wildlife species. Disturbed annual grassland and ornamental vegetation such as that found on the project site is common, both locally and regionally, and is not of special concern to resource agencies. One heritage oak tree may be removed because of construction of a water line, but CDC would replace the oak tree on a 1:1 basis at an appropriate location within the SQSP property. The project's impact to existing vegetation and wildlife habitat on the project site would be less than significant (Impact 4.3-a).

The entire text of Section 4.3 has been included at the end of this section. Changes to this section reflect results of consultation with the U.S. Army Corps of Engineers.

Section 4.4, Land Use and Planning

Page 4.4-3 of the Draft EIR is revised as follows.

Development in San Francisco Bay tidal areas (~~up to the line of the highest tidal action up to the mean high tide line in open water areas and to a line 5 feet above mean sea level, or to the extent wetland vegetation is present~~) and the Bay shoreline 100 feet landward and parallel to the line of highest tidal action (shoreline band jurisdiction) is subject to the jurisdiction of BCDC (a state agency under the jurisdiction of the California Resources Agency). The goals and policies of BCDC are established in the San Francisco Bay Plan (Bay Plan), which guides future protection and use of San Francisco Bay and its shoreline. The Bay Plan was completed pursuant to the McAtter-Petris Act of 1965 and adopted by BCDC in 1968. In 1969, the California Legislature designated BCDC as the agency responsible for maintaining and carrying out the provisions of the Bay Plan.

Section 4.5, Cultural Resources

The entire text of Section 4.5 has been included at the end of this section. Changes to the text of this section reflect results of consultation with the State Historic Preservation Officer.

Section 4.7, Hazards and Hazardous Materials

Page 4.7-7, Mitigation Measure 4.7-a, the following bullet is revised as follows:

- ▶ **Detergent Plant.** Before site grading and excavation of soils in the vicinity of the detergent plant and landscape area, additional soil samples will be collected and analyzed for petroleum hydrocarbon content. If laboratory analysis indicates elevated levels of petroleum-hydrocarbons, the findings will be forwarded to the RWQCB for their review. If the RWQCB indicates that the soils should be handled as a hazardous waste, excavated soils will be stockpiled on plastic sheeting. Further remediation, if necessary, and disposal of the soils will be conducted in accordance with State and federal guidelines. Because groundwater pumped from the detergent plant area may contain low levels of detergent, any contaminated groundwater encountered will be discharged to the sanitary sewer system after obtaining the appropriate discharge permits.

Section 4.8, Hydrology and Water Quality

Page 4.8-6, Mitigation Measure 4.8-c, is hereby revised as follows:

4.8-c: Water Quality Impacts

CDC will prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project. The SWPPP will act as the overall program document to provide measures to mitigate significant water quality impacts associated with implementation of the project. The SWPPP will include specific and detailed Best Management Practices (BMPs) required to mitigate significant construction-related pollutants. These controls will include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with stormwater. In addition, all stockpiled soils that contain contaminants from remediated hazardous materials will either be covered with impervious material to prevent runoff, or will be subject to other requirements as specified by the RWQCB. The SWPPP will specify properly designed centralized storage areas that keep these materials out of the rain.

The SWPPP will specify a monitoring program to be implemented by the construction ~~site supervisor~~ **contractor**, and must include both dry and wet weather inspections. State personnel will conduct regular inspections to ensure compliance with the SWPPP. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soils stabilization controls, water for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased when grading occurs during the rainy season because disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected will focus on erosion control, to keep sediment on the site.

Section 4.12, Transportation

Tables 4.12-4, 4.12-6, 4.12-8, 4.12-9, 4.12-10, and 4.12-11 of the Draft EIR are revised as follows:

All references to the City of San Rafael's jurisdiction over intersections 7 and 8 are hereby removed.

Page 4.12-6, third paragraph, is hereby revised as follows:

On-street parking is permitted along Sir Francis Drake Boulevard immediately adjacent to the west gate entrance. Although this area is used infrequently during typical weekday and weekend conditions, it is frequently used by recreational windsurfers ~~that~~ who access San Francisco Bay when weather conditions are favorable. On-street parking is also ~~occurs~~ permitted along Main Street ~~prior to~~ before the ~~e~~East ~~g~~Gate entrance. Similar to ~~w~~West ~~g~~Gate, on-street parking along Main Street ~~is~~ is infrequent and generally used by visitors to SQSP or guests of the residents of San Quentin Village.

Page 4.12-27, Mitigation Measure 4.12-a is hereby revised as follows:

To achieve acceptable LOS under the project conditions at the Main Street/I-580 eastbound on/off-ramps intersection, implementation of the following mitigation measure would reduce this impact to a less-than-significant level:

- Because the majority of trips through this intersection are related to SQSP, CDC will contribute its fair share contribution to fully fund the installation of a new traffic signal at the Main Street/I-580 eastbound on/off-ramps intersection. Implementation of this measure would allow this intersection to operate at an acceptable LOS under the weekday a.m., weekday midday, weekday p.m., and weekend midday peak hours. Currently, the City of San Rafael has no improvements planned for this intersection as part of its transportation improvement program. However, the City is in the process of establishing a traffic fee mitigation program that would collect monies that would fund transportation improvements to roadways within their jurisdiction. CDC will coordinate with Caltrans and Marin County regarding the design, siting and installation of this traffic signal. This traffic signal shall be installed and operational before peak construction of the CIC. It is expected that Caltrans will enter into a cost sharing long-term maintenance agreement with the County for the maintenance of this signal, at no additional cost to CDC (Nutt, pers. comm., 2005). the City of San Rafael to determine the project's fair share contribution to the funding of the installation of a traffic signal at the Main Street/I-580 eastbound on/off ramps intersection.

Page 4.12-27, Mitigation Measure 4.12-b has been changed as follows:

4.12-b: Construction-Related Traffic Impacts

- Construction employee arrival and departure schedules shall be staggered so they ~~do not coincide with~~ are minimized during adjacent street peak hours (7:00 a.m.–9:00 a.m. and 4:00 p.m.–6:00 p.m.).
- CDC, or its construction contractors, shall develop a construction vehicle traffic plan before start of any construction activities. This plan will identify measures and operating strategies that will be put in place to ensure that the total number of peak hour construction vehicles accessing the project site does not exceed 90 vehicles in any one peak hour (i.e., 7:00–9:00 a.m.; 4:00–6:00 p.m.). Specific measures may include implementing a traffic management plan that limits construction vehicles to no more than 90 peak-hour trips and designating appropriate existing off-site ridesharing lots outside project area study areas where construction personnel would

park and be bussed to the site in large groups. Only vehicles with authorized permits would be allowed to access the site directly – CDC will control the number of permits issued in coordination with the selected construction contractor. CDC will be responsible for enforcing these conditions. With implementation of these measures, the project’s construction-related vehicle trips would not result in any additional transportation impacts other than those described for the project and mitigated in the Draft EIR, with a margin of error included in the analysis.

- The long-term traffic improvements referenced in 4.12-a would result in the installation of traffic signals at the Main Street I-580 on/off-ramps intersection (see 4.12-a). CDC would pay ~~fair share of full~~ cost for improvements ~~before the initiation of proposed project building construction.~~ CDC will coordinate with Caltrans and Marin County regarding the design, siting, and installation of this traffic signal. Because this intersection will not be substantially used during construction (west gate is the primary access), it is not essential that the signal is installed until the CIC is operational and SQSP employment increases above current levels.

Chapter 5, Cumulative Impacts

Page 5-4, Table 5-1, “List of Projects in San Quentin State Prison Vicinity,” is hereby revised as follows:

Table 5-1 List of Projects in San Quentin State Prison Vicinity							
Exhibit 5-1 Map Key	Project Name	Total Acreage	Developed or Proposed Land Use	Total Number of Dwelling Units	Total Commercial Square Footage	Location	Status
Completed Projects							
1	171 – 181 Third Street	1.24	Commercial (Shopping Center)	N/A	16,122	171 – 181 – 201 Third Street, San Rafael Parcel Nos. 014-161-22, 23 and 151-11	Completed
2	Baywood Terrace – Phase I	8	Residential Units (Single Family)	6	N/A	Irwin Street and Baywood Terrace, San Rafael Parcel Nos. 013-310-06-10, 12–14, 18, 22, 43, and 47	Completed
3	Dominican College Plan	55.1	Mixed-Use	N/A	71,000	50 Acacia Avenue, San Rafael Parcel Nos. 015-141-01, 142-03, and 04, 161-01 and 01	Completed
Projects Under Construction							
4	Richmond–San Rafael Bridge Retrofit Project	N/A	Toll Bridge for I-580	N/A	N/A	Between Richmond and San Rafael, across San Francisco Bay	In Construction (82% complete)
5	Route 101 HOV Lane Widening	N/A	Route 101 Freeway	N/A	N/A	Route 101, Marin and Sonoma Counties	In Construction
6	Drakes Way/Drakes Cove	18	Residential Units (Single Family, Multifamily, Below Market)	47	N/A	Larkspur Parcel Nos. 018-191-19, 41	In Construction

Table 5-1 List of Projects in San Quentin State Prison Vicinity							
Exhibit 5-1 Map Key	Project Name	Total Acreage	Developed or Proposed Land Use	Total Number of Dwelling Units	Total Commercial Square Footage	Location	Status
7	Elm Crest Subdivision	8	Residential Units (Single Family)	8	N/A	Elm Avenue, Larkspur Parcel Nos. 021-214-11 and 021-175-25	In Construction
8	Marin Rowing	0.6	Commercial (Storage Facility)	N/A	13,475	50 Drakes Landing Way, Larkspur Parcel Nos. 022-050-18, 19, and 23	In Construction
9	2350 Kerner	10.28	Mixed-Use	N/A	148,549	2350 Kerner Street, San Rafael Parcel Nos. 009-291-10, 31, 32, and 34	In Construction <u>Approved</u>
10	Chapel Cove	9.4	Residential Units (Single Family, Below Market)	17	N/A	115 Point San Pedro Road, San Rafael Parcel No. 184-052-08	In Construction
11	McInnis Park Apartments II	2.24	Residential Units (Multifamily)	42	N/A	North Avenue, San Rafael Parcel Nos. 155-370-08 and 09	In Construction
12	Redwood Village	17	Residential Units (Single Family, Multifamily, Below Market)	133	N/A	North San Pedro Road, San Rafael Parcel No. 179-131-01	In Construction
Approved Projects							
13	4300 Redwood Highway	10	Industrial	N/A	130,168	4300 Redwood Highway, San Rafael Parcel Nos. 155-110-05 and 06	Approved

Table 5-1 List of Projects in San Quentin State Prison Vicinity							
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14	918–924 B Street	0.11	Mixed-Use	13	4,000	918–924 B Street, San Rafael Parcel No. 001-261-12	Approved
15	Academy Heights	30.76	Residential Units (Single Family)	6	N/A	Twin Oaks Drive, San Rafael Parcel Nos. 011-051-37, 011-051-32, 33, 34, 35, and 36)	Approved
16	Baywood Terrace— Phase II	8	Residential (Single Family)	7	N/A	Irwin Street and Baywood Terrace, San Rafael Parcel Nos. 013-310-06–10, 12–14, 18, 22, 43, and 47	Approved
17	Hilltop Garden Inn	1.78	Commercial (85-room Hotel)	N/A	N/A	1775 Francisco Boulevard East, San Rafael Parcel No. 009-291-41	Approved
18	McInnis Park Apartments IIB	0.92	Residential Units (Multifamily, Below Market)	14	N/A	North Avenue, San Rafael Parcel Nos. 155-370-08 and 09	Approved
19	Team Hyundai	2.01	Commercial (Auto Dealership)	N/A	3,500	150 Shoreline Highway, San Rafael Parcel No. 009-320-44	Approved
20	The Lincoln Mews Townhomes	0.92	Residential Units (Multifamily, Below Market)	24	N/A	1515 Lincoln Avenue, San Rafael Parcel Nos. 011-092-07 and 20	Approved

Table 5-1 List of Projects in San Quentin State Prison Vicinity							
Exhibit 5-1 Map Key	Project Name	Total Acreage	Developed or Proposed Land Use	Total Number of Dwelling Units	Total Commercial Square Footage	Location	Status
Projects Under Review							
21	San Clemente Drive	N/A	Mixed-Use (Residential and Storage Facility)	79	69,000	San Clemente Drive, Corte Madera	Under Review
22	Central Larkspur Specific Plan	22	Mixed-Use (Residential and Commercial)	Approx. 132	105,414–143,700	Downtown Larkspur	Under Review
23	Sanitary District Property	10.29	Mixed-Use (Residential, Hotel, Commercial)	136	82,000	2000 Larkspur Landing Circle, Larkspur Parcel No. 018-171-32	Under Review
24	Alma Via of San Rafael	2.8	Commercial (Office)	N/A	120,141	355 Los Ranchitos Road, San Rafael Parcel No. 177-240-21	Under Review
25	Cameros Subdivision	5.46	Residential (Single Family, Multifamily)	15	N/A	2416 Fifth Street, San Rafael Parcel Nos. 177-240-21 and 22	Under Review
26	Parisa Place	6.2	Residential (Single Family)	9	N/A	Point San Pedro Road, San Rafael Parcel No. 016-213-12	Under Review
27	Piombo Place Mini Storage II	2.29	Commercial (Storage Facility)	N/A	36,431	2157 Francisco Boulevard, San Rafael Parcel Nos. 009-161-50, 009-291-02, 009-291-03	Under Review
28	San Rafael Corporate Center	15.1	Commercial (Office Park)	N/A	406,000	Second/Lindero/Lincoln, San Rafael Parcel Nos. 016-012-28, 021-42, 021-19	Under Review <u>Approved and</u> <u>1/3 built</u>



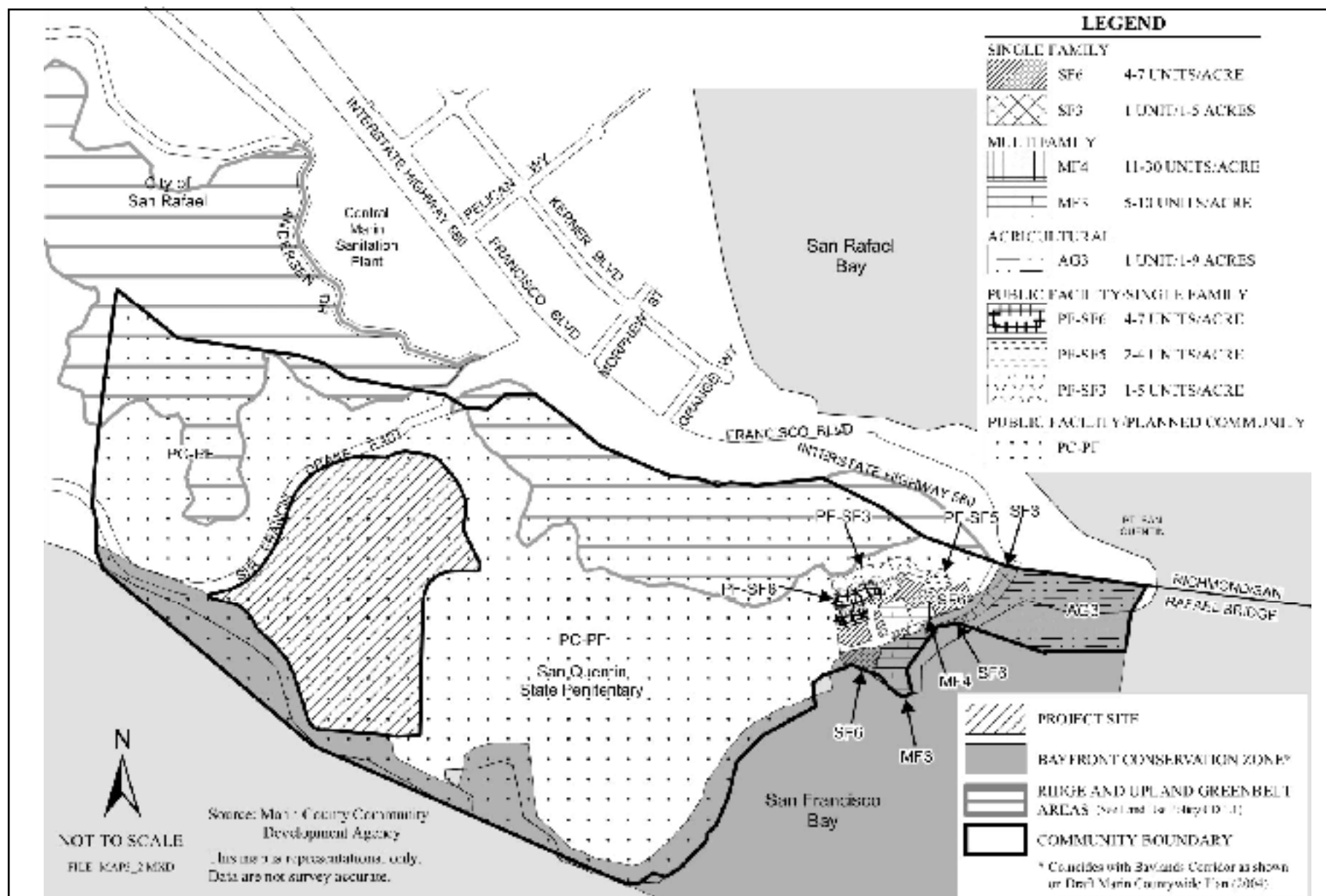
Source: Data compiled by EDAW in 2004

On-site and Surrounding Land Uses

San Quentin State Prison Condemned Inmate Complex Project Draft EIR
P 3T053.01 01/05

EXHIBIT 4.4-1

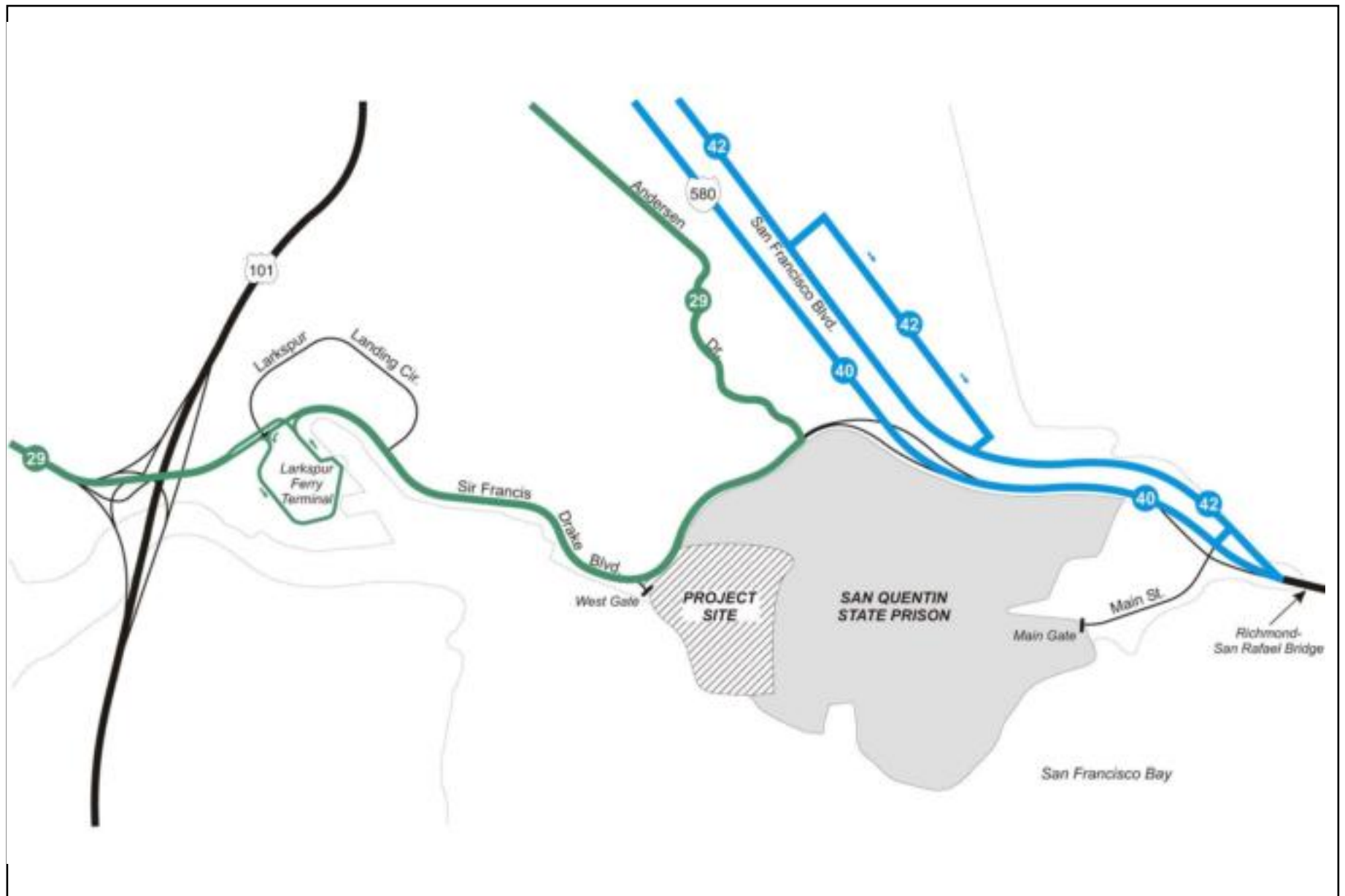




Source: Draft Marin Countywide Plan 2004, Data compiled by EDAW in 2005

Marin County Bay Conservation Zone

EXHIBIT 4.4-2



Source: DKS Associates 2004

* Note: Exhibit was revised to reflect correct transit facilities

Existing Transit Facilities

EXHIBIT 4.12-2

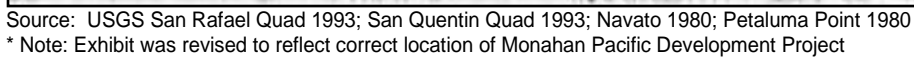


EXHIBIT 5-1



NORTH CAROLINA STATE UNIVERSITY

EDAW

4.3 BIOLOGICAL RESOURCES

This section addresses biological resources that could be affected by implementation of the project. The information presented is based on data collected during a reconnaissance field survey, aerial photograph interpretation, database searches, and a review of existing information.

A reconnaissance-level biological survey of the project site was conducted by EDAW biologists on April 20, 2004. The purpose of this survey was to characterize the existing biological resources present in the project area and to evaluate the potential for sensitive biological resources to occur on the project site. With regard to biological resources, a follow-up survey was conducted on August 20, 2004 to identify potential biological impacts associated with replacement of an offsite water line.

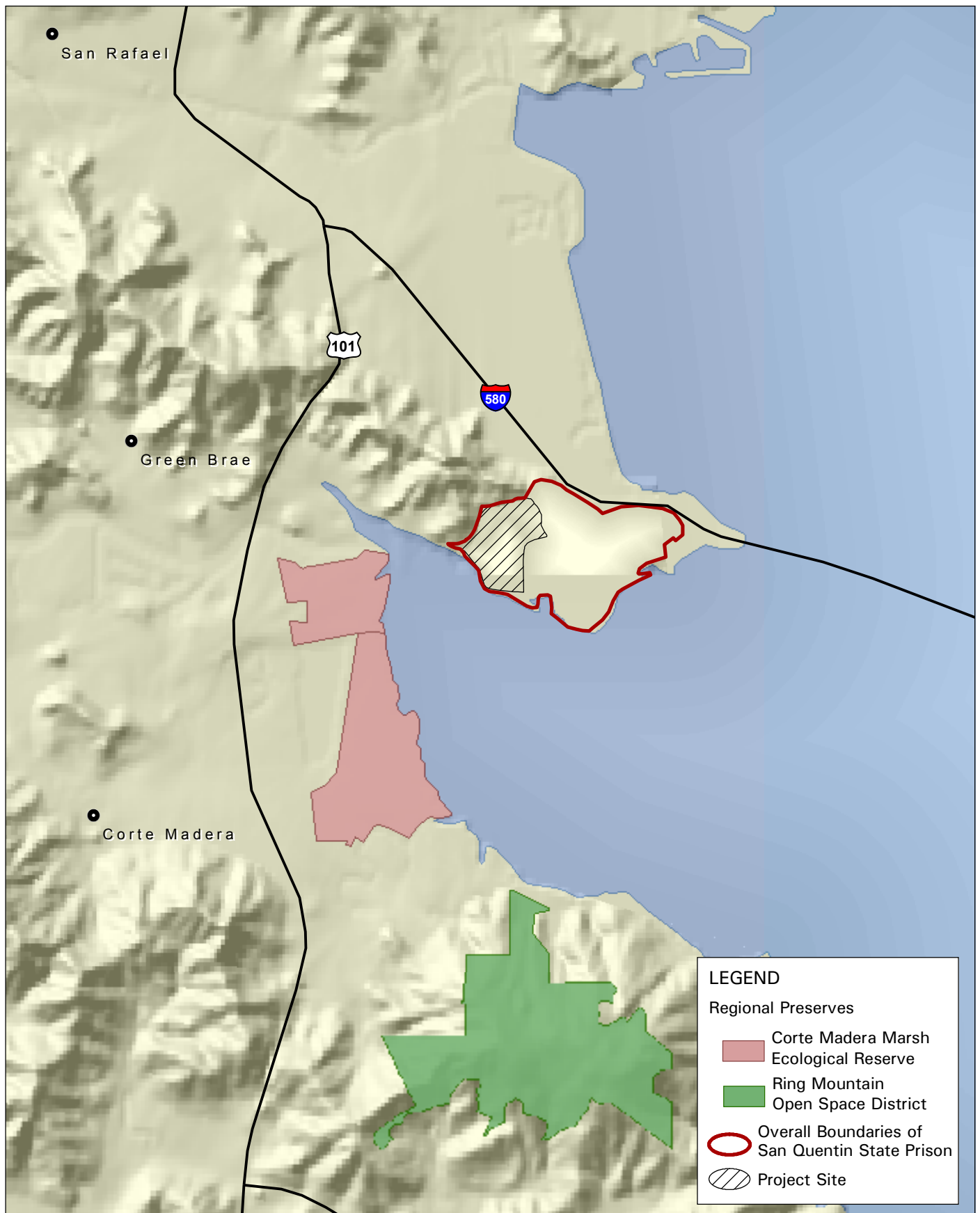
4.3.1 EXISTING CONDITIONS

The 40-acre project site is located on the grounds of the existing SQSP. The entire project site has been graded, developed, or is otherwise disturbed as a result of prior construction and operation of the prison and associated facilities. No previously undisturbed natural plant communities are present on the site and a large portion of the project site is located on a former landfill used during the early parts of the 20th century. A prominent hill known as “Dairy Hill” is the only natural landform on the project site. Project biologists determined that the project under either design option would not result in impacts that differed under each condition. Therefore, the analysis provided in this section is applicable to both design options, and a separate discussion for each option is not provided because it would be redundant. Further, a separate discussion of anticipated biological impacts under each capacity scenario (i.e., budgeted versus maximum) is not provided because these scenarios would not alter the footprint of project development or disturbance.

Although the project site does not include biologically important habitat, several areas that are known to support sensitive biological resources are present within a few miles of the project site. The project site is located immediately adjacent to the biologically rich San Francisco Bay. The Corte Madera Ecological Reserve, which supports threatened and endangered species including the California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), salt marsh harvest mouse (*Reithrodontomys raviventis*), and Point Reyes birds-beak (*Cordylanthus maritimus ssp. palustris*) is located less than 0.5 mile southeast of the project site, across San Francisco Bay (Exhibit 4.3-1). The Ring Mountain Ecological Reserve, which supports several threatened and endangered plant species including Tiburon mariposa lily (*Calochortus tiburonensis*), Tiburon indian paintbrush (*Castilleja affinis ssp. neglecta*), Tiburon jewelflower (*Streptanthus niger*), and Marin western flax (*Hesperolinon congestum*), is located approximately 1.5 miles southwest of the project site. This reserve also supports serpentine bunchgrass grassland, a sensitive natural community tracked in the California Department of Fish and Game’s (DFG’s) Natural Diversity Database (CNDDB). The oak woodland located on the hillsides north of the project site and north of Sir Francis Drake Boulevard could also support sensitive biological resources.

VEGETATION

Vegetation on the undeveloped portion of the project site includes landscaped areas, maintained grassy fields, and patches of non-native grassland that receive little maintenance (Exhibit 4.3-2). Vegetation in landscaped areas is mostly maintained as lawns; ornamental trees and shrubs are also present around buildings and open fields. Common ornamental tree species present include eucalyptus (*Eucalyptus* spp.), cork oak (*Quercus suber*), Monterey cypress (*Cupressus macrocarpa*), and pines (*Pinus* sp.). Vegetation in areas where maintenance is infrequent and irregular is dominated by non-native grasses



Source: California Legacy Project 2003

Regional Preserves

EXHIBIT 4.3-1

such as wild oats (*Avena fatua*), soft chess (*Bromus hordeaceus*), ripgut brome (*B. diandrus*), Italian ryegrass (*Lolium multiflorum*), and weedy forbs such as English plantain (*Plantago lanceolata*), redstem filaree (*Erodium cicutarium*), fennel (*Foeniculum vulgare*), shortpod mustard (*Hirschfeldia incana*), and bristly ox-tongue (*Picris echioides*). Scattered coyote brush (*Baccharis pilularis*) shrubs and Himalayan blackberry (*Rubus discolor*) brambles occur on the slopes of Dairy Hill. Vegetation along the proposed water supply pipeline consists of ruderal roadside vegetation and mixed oak woodland dominated by coast live oak (*Quercus agrifolia*) and bay laurel (*Umbellularia californica*) with an understory of weedy grasses and forbs.

No salt marsh vegetation is present along the rocky shoreline of the San Francisco Bay. However, a short and narrow excavated ditch, located near the south edge of the project site, supports a few small patches of wetland vegetation (Exhibit 4.3-2). This ditch is located in a low area where it collects runoff from underground pipes that are part of a stormwater system used to drain the prison grounds and surrounding area. The ditch is hydrologically connected to the San Francisco Bay via a culvert and is tidally influenced. Plants present in the ditch, which include pickleweed (*Salicornia virginica*) and Bermuda grass (*Cynodon dactylon*), are widely scattered among rock that was presumably placed in the bed of the channel to minimize soil erosion. Plants observed along the banks of the ditch include gumplant (*Grindelia sp.*) and iceplant (*Carpobrotus edulis*). The vegetation in the ditch is presumably removed periodically by maintenance staff.

The alignment for the water supply pipeline is primarily located within the existing roadway alignment of Sir Francis Drake Boulevard or along the unvegetated shoulder areas. The alignment crosses through an area of oak woodland near its eastern terminus. Several native trees including bay laurel (*Umbellularia californica*) and coast live oak (*Quercus agrifolia*) are present within the alignment but coast live oaks are present on both sides of the pipeline route. The understory includes a mix of native and non-native herbaceous.

WILDLIFE

The project site provides habitat for a number of native and non-native wildlife species that are common in this region of Marin County. Most of the animals are species that are adapted to urban areas and other environments altered by humans. Bird diversity is expected to be highest among the major vertebrate groups. Birds that are common in the project area include non-native species such as rock pigeon (*Columba livia*), house sparrow (*Passer domesticus*), and European starling (*Sturnus vulgaris*). Ornamental plants and weedy fields attract birds that are considered year-round residents in Marin County; these include California towhee (*Pipilo crissalis*), Brewer's blackbird (*Euphagus cyanocephalus*), and northern mockingbird (*Mimus polyglottos*). A flock of resident Canada geese (*Branta canadensis*) frequent the lawns and near the shoreline of the San Francisco Bay. Some of the geese apparently nest on prison property. Weedy and ornamental vegetation also attracts migratory birds such as white-crowned sparrow (*Zonotrichia leucophrys*), savannah sparrow (*Passerculus sandwichensis*), and hermit thrush (*Catharus guttatus*). Although the project site is located immediately adjacent to the San Francisco Bay, few bird species found on the open water are expected on the project site, other than common gulls. Reptiles, amphibians, and mammals in the project area are expected to be limited to those that are common in residential areas in Marin County. The developed portion of the project site includes a residential area. Vegetation in the residential area is characterized by common ornamental plant trees and shrubs, including roughly 100 mature trees. Common ornamental plants in the residential area include cork oak (*Quercus suber*), coast redwood (*Sequoia sempervirens*), pyracantha (*Pyracantha sp.*), and privet (*Ligustrum sp.*).

Wildlife expected along the water supply pipeline alignment would be similar to wildlife species expected for the project site.



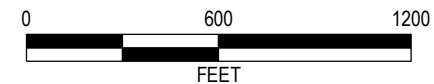
Sources: USGS DOQQ 1993, Kitchell 2004, EDAW 2004

Habitats in and Adjacent to the Project Area

EXHIBIT **4.3-2**

San Quentin Prison Condemned Inmate Complex Project Draft EIR

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SENSITIVE BIOLOGICAL RESOURCES

Sensitive biological resources evaluated as part of this analysis include special-status species and sensitive habitats. The CNDDDB was used as the primary source to identify previously reported occurrences of special-status species and sensitive habitats in the project vicinity. The CNDDDB is a statewide inventory, managed by DFG that is continually updated with the location and condition of the state's rare and declining species and habitats. Although the CNDDDB is the most current and reliable tool for tracking occurrences of special-status species, it contains only those records that have been reported to DFG. To identify additional special-status plant species with potential to occur in the project area, a search of the California Native Plant Society's (CNPS's) online Inventory of Rare and Endangered Plants of California (CNPS 2004) was also conducted for the St. Quentin and surrounding quads. Other sources include both published and unpublished data and reports.

Special-Status Species

Special-status species include plants and animals in the following categories:

- Species listed or proposed for listing by U.S. Fish and Wildlife Service (USFWS) or DFG as Threatened or Endangered under ESA or CESA.
- Species considered as candidates for listing as Threatened or Endangered under Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA).
- Species identified by DFG as California Species of Special Concern.
- Plants listed as Endangered or Rare under the California Native Plant Protection Act.
- Animals fully protected in California under the California Fish and Game Code.
- Plants on CNPS List 1B (plants considered by CNPS to be rare, threatened, or endangered in California and elsewhere) or CNPS List 2 (plants considered by CNPS to be rare, threatened or endangered in California but more common elsewhere). The CNPS lists are used by both DFG and USFWS when considering formal species protection under ESA and CESA.

Special-Status Plants

Special-status plants that have been documented in the immediate vicinity of the project site include white-rayed pentachaeta (*Pentachaeta bellidiflora*) and Point Reyes bird's beak (*Cordylanthus maritimus palustris*) (NDDDB 2003).

White-rayed pentachaeta is federally and state listed as endangered and is on CNPS List 1B. This species was reported in 1980 on private property at Punta de Quentin, 1.3 miles west of Point St. Quentin. However, a site visit conducted in 1991 revealed that the small population previously documented had been extirpated. White-rayed pentachaeta is found in valley and foothill grasslands on open, dry, rocky slopes, often on soils derived from serpentine bedrock. This species is not expected on the project site because suitable habitat is absent.

Point Reyes bird's beak is a federal species of concern and is on CNPS List 1B. This species was reported in 1987 at the Corte Madera Ecological Reserve. Two other populations previously occurring on the St. Quentin quad are considered extirpated. Point Reyes bird's-beak is restricted to coastal salt marsh. The project site does not support suitable habitat for Point Reyes bird's-beak.

Other special-status plant species that have been reported on the on the St. Quentin quad include: Tiburon mariposa lily (*Calochortus tiburonensis*), which is federally and state listed as threatened and on CNPS List 1B; Tiburon indian paintbrush (*Castilleja affinis neglecta*), which is federally listed as endangered, state listed as threatened, and on CNPS 1B; Marin western flax (*Hesperolinon congestum*), which is federally listed as threatened, state listed as threatened, and on CNPS 1B; and Tiburon jewel-flower (*Streptanthus niger*), which is federally and state listed as endangered and on CNPS List 1B. All of these species occur in valley and foothill grassland on serpentine substrates on the Tiburon peninsula. They are not expected to occur on the project site because of the lack of suitable habitat.

Showy indian clover (*Trifolium amoenum*), which is federally listed as threatened and on CNPS List 1B, also has previously been recorded from the St. Quentin quad. This species occurs in valley and foothill grassland and in coastal bluff scrub and was last seen in Corte Madera in 1961. It is not expected to occur in the annual grassland at St. Quentin, because of the heavily disturbed nature of the plant community and long history of disturbance and maintenance.

Special-Status Wildlife

Wildlife species listed as threatened or endangered that have been documented within a 1-mile radius of the project site include California clapper rail, salt marsh harvest mouse, and California black rail (CNDDB 2003, Shuford 1993). Other special-status wildlife species that could occur in the immediate vicinity of the project site include salt marsh common yellowthroat and San Pablo song sparrow. All five of these species are associated with tidal salt and brackish marsh habitat.

California clapper rail is state and federally listed as endangered. It is also fully protected under Section 3511 of the California Fish and Game Code. This species prefers salt marshes intersected by numerous tidal channels and dominated by cord grass, pickleweed, and salt grass (USFWS 1984). In Marin County, breeding California clapper rails are restricted to salt marshes along the shorelines of the San Francisco and San Pablo bays. The Corte Madera Ecological Reserve is a known breeding location for the California clapper rail (Shuford 1993). California clapper rail is not expected on the project site because no suitable habitat is present.

Salt marsh harvest mouse is state and federally listed as endangered and given fully protected status under Section 4700 of the California Fish and Game Code. This species inhabits salt marshes with dense cover dominated by pickleweed. Salt marsh harvest mouse is known to occur at the Corte Madera Ecological Reserve (USFWS 1984). Salt marsh harvest mouse is not expected on the project site because no suitable habitat is present.

California black rail is state listed as threatened and is fully protected under Fish and Game Code. This bird is found in habitat that is similar to that which supports California clapper rail. California black rail is known to breed at the Corte Madera Ecological Reserve (Shuford 1993). California black rail is not expected on the project site because of the absence of suitable habitat.

Salt marsh common yellowthroat and San Pablo song sparrow are both known to inhabit salt and brackish marshes along the San Francisco Bay, in Marin County (Shuford 1993). No suitable habitat for salt marsh common yellowthroat or San Pablo song sparrow is present on the project site.

Sensitive Habitats

Sensitive habitats include those that are of special concern to resource agencies, or that are afforded specific consideration through CEQA, Section 1600 of the California Fish and Game Code, and/or Section 404 of the federal Clean Water Act (CWA) as discussed below under Regulatory Background.

Sensitive habitat in the project area is limited to the excavated ditch located near the south edge of the project site. The ditch is hydrologically connected to the San Francisco Bay by culvert and is tidally influenced. Although this ditch provides minimal biological value and does not support salt marsh or other native plant communities, filling it would be of concern to state and federal agencies with relevant jurisdiction because of its wetland characteristics and because it provides a hydrological link to the San Francisco Bay. Please see the discussions below (Regulatory Background) for further information.

4.3.2 REGULATORY BACKGROUND

Important regulations that protect biological resources and that may be applicable to the project are discussed below.

Federal Regulations

Federal Endangered Species Act

The USFWS and the National Oceanic and Atmospheric Administration (NOAA) Fisheries have authority over projects that may affect the continued existence of a federally-listed (Threatened or Endangered) species. Section 9 of ESA prohibits the take of federally-listed species; take is defined under ESA, in part, as killing, harming, or harassment. Under federal regulations, take is further defined to include habitat modification or degradation where it actually results in death or injury to wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.

Section 7 of ESA outlines procedures for federal interagency cooperation to conserve federally-listed species and designated critical habitat. Section 7(a)(2) requires federal agencies to consult with USFWS to ensure that they are not undertaking, funding, permitting, or authorizing actions likely to jeopardize the continued existence of listed species.

For projects where federal action is not involved and take of a listed species may occur, the project proponent may seek to obtain incidental take authorization under Section 10(a) of ESA. Section 10(a) of ESA allows USFWS to permit the incidental take of listed species if such take is accompanied by a Habitat Conservation Plan (HCP) that includes components to minimize and mitigate impacts associated with the take.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA), first enacted in 1918, provides for international migratory bird protection and authorizes the Secretary of the Interior to regulate the taking of migratory birds. MBTA provides that it shall be unlawful, except as permitted by regulations, to pursue, take, or kill any migratory bird, or any part, nest or egg of any such bird. The current list of species protected by MBTA can be found in Title 50, Code of Federal Regulations Section 10.13. The list includes the nearly all birds native to the United States. Loss of non-native species, such as house sparrows, European starlings, and rock pigeons, are not covered by this statute.

Clean Water Act

Pursuant to Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE) regulates discharge of dredge or fill material into waters of the United States. Waters of the U.S. and their lateral limits are defined in 33 CFR Part 328.3 (a) and include navigable waters of the United States, interstate waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are

adjacent to any of these waters or their tributaries. Fill is defined as any material that replaces any portion of a water of the United States with dry land or changes the bottom elevation of any portion of a water of the United States. Any activity resulting in the placement of dredge or fill material to waters of the United States requires a permit from the USACE.

Pursuant to Section 401 of the Clean Water Act, projects that apply for a USACE permit for discharge of dredge or fill material must obtain water quality certification from the Regional Water Quality Control Board (RWQCB) indicating that the project would uphold state water quality standards.

The USACE also requires concurrence from the San Francisco Bay Conservation and Development Commission (BCDC) before issuing a permit or authorization for work in the San Francisco Bay. The BCDC reviews the project to determine if the project is consistent with the Amended Coastal Zone Management Program for San Francisco Bay.

State Regulations

California Endangered Species Act

Pursuant to the California Endangered Species Act (CESA) and Section 2081 of the Fish and Game Code, a permit from the DFG is required for projects that could result in the take of a state-listed Threatened or Endangered species. Under CESA, the definition of “take” is understood to apply to an activity that would directly or indirectly kill an individual of a species, but the definition does not include “harm” or “harass,” as the federal act does. As a result, the threshold for a take under the CESA is typically higher than that under the ESA.

California Fish and Game Code Section 1602 – Streambed Alteration

All diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream or lake in California that supports wildlife resources are subject to regulation by DFG, pursuant to Section 1602 of the California Fish and Game Code. Section 1602 states that it is unlawful for any person, governmental agency, state, local, or any public utility to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without first notifying DFG of such activity. The regulatory definition of stream is a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports wildlife, fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or have supported riparian vegetation. DFG’s jurisdiction within altered or artificial waterways is based on the value of those waterways to fish and wildlife.

California Fish and Game Code Section 3513 – Protection of Migratory Birds

Under Section 3513, it is unlawful to take or possess any migratory nongame birds as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act.

Fully Protected Species under the Fish and Game Code

Protection of fully protected species is described in four sections of the Fish and Game Code that list 37 fully protected species (Fish and Game Code Sections 3511, 4700, 5050, and 5515). These statutes prohibit take or possession at any time of fully protected species. DFG is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species. DFG has

informed non-federal agencies and private parties that they must avoid take of any fully protected species in carrying out projects.

Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, “waters of the state” fall under the jurisdiction of the RWQCB. Under the act, the RWQCB must prepare and periodically update water quality control basin plans. Each basin plan sets forth water quality standards for surface water and groundwater, as well as actions to control non-point and point sources of pollution to achieve and maintain these standards. Projects that affect wetlands or waters must meet waste discharge requirements of the RWQCB which may be issued in addition to a water quality certification or waiver under Section 401 of the CWA.

San Francisco Bay Conservation and Development Commission

The BCDC was created in 1965 in response to broad public concern over the future of the San Francisco Bay. The Commission is charged with regulating all filling and dredging in San Francisco Bay. The BCDC also regulates new development within the first 100 feet inland from the Bay to ensure that maximum feasible public access to the Bay is provided. A BCDC permit must be obtained before any grading or construction can occur within areas under its jurisdiction.

California Coastal Commission Wetland Protection

The California Coastal Commission regulates wetlands in accordance with the provisions of the Coastal Act. Section 30121 of the Coastal Act broadly defines a wetland as lands within the coastal zone which may be covered periodically or permanently with shallow water. As a result, areas that do not meet the federal definition of wetlands, may receive protection under the Coastal Act. Filling of wetland protected by the Coastal Act requires prior authorization by the Coastal Commission.

Statewide Electrified Fence Project

The project includes a proposed lethal electrified fence that is similar to those found at other state prisons in California. After the prototype fence at Calipatria State Prison in Imperial County became operational in 1993, CDC personnel found that unanticipated accidental wildlife electrocutions had occurred. To address this unexpected effect, consultation was conducted between CDC, DFG, and USFWS. Based on this consultation, CDC determined that a statewide EIR was needed to assess impacts on wildlife by operation of the electrified fence at 25 existing state prisons and 4 planned facilities and to identify feasible mitigation measures (EDAW 1993). San Quentin State Prison was not included among the 29 prisons. CEQA documents prepared for the Statewide Electrified Fence Project include DEIR, Statewide Electrified Fence Project (MBA 1996); FEIR, Statewide Electrified Fence Project (MBA 1997); and FEIR Addendum, Statewide Electrified Fence Project (EDAW 1999).

Impacts of the electrified fence on species covered by ESA and CESA, and migratory birds, were evaluated further in 1999 when CDC prepared a HCP for the Statewide Electrified Fence Program. The USFWS issued a Threatened and Endangered Species Take Permit covering 62 wildlife species to CDC for the project on June 12, 2002. The permit expires in the year 2052 (EDAW 2003).

The approved Statewide Electrified Fence Project HCP includes numerous mitigation measures designed to minimize wildlife use of the areas nearest the electrified fence and to deter wildlife from making contact with the electrified fence. An extensive feasibility evaluation was conducted by CDC to determine which mitigation measures were biologically effective, cost effective, and viable based on weather, security, maintenance, and operational issues. Mitigation in the HCP was organized and

implemented in three tiers. Tier 1 measures include operations-related measures designed to modify or remove habitat or other attractants to wildlife from the secured perimeter area of each prison. Tier 2 involves installation of exclusion and deterrent devices on the electrified fences and in the perimeters. Tier 3, includes a compensation package designed to offset the residual loss of wildlife resources at each prison as a result of electrocution risks that remain even after Tier 1 and Tier 2 have been implemented. The plan also includes a wildlife mortality monitoring program that requires that a qualified biologist visit each institution with an operational electrified fence three times per year to identify carcasses of animals collected from the electrified fence perimeter by CDC staff.

4.3.3 ENVIRONMENTAL IMPACTS OF THE PROJECT

THRESHOLDS OF SIGNIFICANCE

The project would result in a significant impact on biological resources if it would:

- have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by DFG or USFWS;
- have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by DFG or USFWS;
- have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the CWA(including, but not limited to, marsh, vernal pool, rivers, etc.) through direct removal, filling, hydrological interruption, or other means;
- interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan;
- substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife species to drop below self-sustaining levels, or threaten to eliminate a plant or animal community; or
- reduce the number or restrict the range of an endangered, rare or threatened species.

REMOVAL OF EXISTING VEGETATION AND WILDLIFE HABITAT

Development of the project under either design option would result in the permanent removal and/or temporary disturbance of 43.3 acres of undeveloped land that provides habitat for a number of common plant and wildlife species. The entire site would be graded before the start of construction. Under both design options, approximately 14.7 acres of disturbed non-native annual grassland, which is mostly found on the western half of the project site would be disturbed. Under the single level design option, ornamental vegetation associated with the 57 onsite residences would be removed including approximately 300 ornamental trees ranging in size from small to very large. Replacement of the portion of the water pipeline alignment on the project site would also require removal of a few native trees

located near the eastern terminus of the alignment. Approximately 1 bay laurel, 3 California buckeyes and 1 live oak tree would be disturbed during construction activities. Habitat that would be disturbed by the project is common, both locally and regionally, and the number of trees removed would be small.

Vegetation removal is not anticipated to extend beyond the external perimeter road between the San Francisco Bay and the project site; thus, a minimum of 30 feet between the perimeter roadway and San Francisco Bay would not be disturbed. No impacts to the vegetation along the shoreline and aquatic resources of the San Francisco Bay are anticipated (see Section 4.8, Hydrology and Water Quality, for a description of hydrological impacts). However, some shoreline areas would be used as construction staging areas. None of these areas would be graded or would require vegetation removal.

Wildlife species diversity on the project site is low. The low diversity is primarily attributed to the absence of native plant communities and the disturbed condition of the land. Species diversity is also limited because the project site is largely developed. The project site does not include important migration corridors or movement areas for terrestrial wildlife because it is surrounded by the existing prison facilities, residential development, roads, and the San Francisco Bay.

Although wildlife diversity and abundance in the project area would be reduced as a result of grading and construction, the loss of wildlife habitat would not be significant. Some wildlife mortality and displacement is expected. However, the impact on the local and regional populations of the animals affected would be minimal.

The project would not substantially reduce the overall amount of wildlife habitat. Impacts on wildlife diversity and abundance would be minimal and the project would not substantially impede the movement of any wildlife species. Disturbed annual grassland and ornamental vegetation such as that found on the project site is common, both locally and regionally, and is not of special concern to resource agencies. One heritage oak tree may be removed because of construction of a water line, but CDC would replace the oak tree on a 1:1 basis at an appropriate location within the SOSP property. The project's impact to existing vegetation and wildlife habitat on the project site would be less than significant (Impact 4.3-a).

IMPACTS TO SPECIAL-STATUS SPECIES

A number of special-status species have been documented in the vicinity of the project site. However, no special-status species are expected on the project site and no suitable habitat for these plants and animals would be affected with implementation of the project.

Special-status plants species recorded within 1 mile of the project site include white-rayed pentachaeta and Point Reyes bird's beak. White-rayed pentachaeta is found in open, dry grasslands. Although disturbed grassland habitat is present in the project area, it is highly unlikely that this species is present because the vegetation is almost entirely limited to non-native grasses and other weedy species and the site has experienced a long history of disturbance (i.e., farming, mowing and other manipulation of the native vegetative cover). Point Reyes bird's beak is restricted to coastal salt marsh, which is absent from the project site.

Special-status wildlife species recorded within 1 mile of the project site include California clapper rail, salt marsh harvest mouse, California black rail, salt marsh common yellowthroat, and San Pablo song sparrow. All of these animals are closely tied to tidal salt and brackish marsh habitat. Because no tidal or brackish marsh habitat is found on the project site in areas where offsite improvements would occur (i.e., water pipeline alignment) or along the adjacent shoreline of the San Francisco Bay, none of these species would be affected by the project.

The project would not have a substantial adverse effect on any special-status plants or animals. No suitable habitat for these species would be removed or otherwise affected because no habitat that supports these species is present on the project site or in areas where offsite improvements would occur (i.e., water pipeline). This impact would be less than significant (Impact 4.3-b).

ELECTRIFIED FENCE IMPACTS ON WILDLIFE

The project includes installation and operation of a lethal electrified fence within the CIC's double-fenced security perimeter. Based on monitoring data collected for the 25 electrified fences at state prisons (23 locations total) in California with electrified fences, significant wildlife mortality caused by electrocution would be anticipated. Common bird species would be at greatest risk of electrocution. Lethal electrocution would result only when an animal touches two wires simultaneously or touches one wire and an electrical ground. Therefore, birds and other wildlife could come in contact with the electrified fence without being electrocuted.

Birds found in urban areas of Marin County would be at greatest risk of electrocution. Conversely, those wildlife species that prefer native habitat and avoid urbanized areas would be at lowest risk of electrocution. Based on an evaluation of the monitoring data and a survey of the project site by qualified biologists, operation of the electrified fence is not expected to result in death or harm to any threatened, endangered, or special-status species. However, it is anticipated that a substantial percentage of birds that could be electrocuted would be species that are protected under MBTA and the Fish and Game Code. Birds killed could include species that are considered locally uncommon or rare. A list of species considered at risk of electrocution at San Quentin is provided in Appendix D. This list was formulated based on ten years of bird mortality data from 25 electrified fences at 23 CDC facilities throughout California, combined with knowledge of the relative abundance of bird species in the SQSP area. Species that are considered to have only a remote chance of being killed are not included in the list.

It is not possible to accurately predict the species that would be killed or the frequency of electrocutions that would result from an electrified fence at SQSP but monitoring results collected at other state prisons since 1994 supports the following assumptions: (1) an electrified fence at SQSP could result in over 100 wildlife electrocutions annually. Statewide, in the twelve month period from June 2003 to June 2004, the total number of wildlife electrocutions at each of the state prisons with electrified fences ranged from 5 to 302 animals. During that period, a total of 1,790 animals were electrocuted at the 25 prisons (EDAW 2004); (2) of the total, the large majority of animals electrocuted would be birds; avian species account for over 95% of the statewide total in the most recent year of monitoring (EDAW 2004); and (3) non-native birds (e.g., house sparrow, European starling) would account for a substantial percentage of the total electrocutions. Statewide, non-native species accounted for 62% of the total electrocutions in the last 12 month monitoring period (EDAW 2004).

Operation of an electrified fence at SQSP would result in the death of an undetermined number of animals. The large majority of electrocutions would result in the death of birds, some of which are protected under MBTA and the Fish and Game Code. This impact would not eliminate any resident or migratory bird species and it is not expected to reduce species diversity in the project vicinity. Although not expected, it is possible that the local population of one or more native birds, protected by MBTA and the Fish and Game Code, could be substantially affected. Therefore, this would be a potentially significant impact (Impact 4.3-c).

IMPACTS TO SENSITIVE HABITATS

Implementation of the project would require fill of a narrow, excavated channel that collects piped drainage from the existing prison and surrounding hillsides. The channel occupies approximately

0.2 acres. The project also includes stabilization of the shoreline area near the existing stormwater outfall structure located on the southern shoreline of SQSP. Measures used to stabilize the structure would include removal and replacement of rock riprap and installation of water flow dissipation features (e.g. rock). The channel is almost entirely devoid of vegetation and provides minimal habitat value to native plant and wildlife species. However, the ditch provides a hydrological connection to the San Francisco Bay, supports wetland characteristics, and is tidally influenced. Therefore, the ditch likely qualifies as jurisdictional Waters of the U.S. Wetlands and other Waters of the U.S. are regulated by USACE under Section 404 of CWA and have been given regulatory protection because of their multiple functions and values, including their importance as wildlife habitat. Wetland habitat has also declined considerably this century in California as a result of flood control practices and conversion of wetlands to agricultural and urban uses.

Because of its proximity to San Francisco Bay, filling of the ditch would likely require prior authorization from BCDC. DFG could also regulate filling of the ditch under Section 1602 of the Fish and Game Code.

Implementation of the project would result in the filling of a 0.2 acre ditch that provides a hydrological connection to San Francisco Bay. The filling of these potential Waters of the U.S. would be a significant impact (Impact 4.3-d).

4.3.4 PROPOSED MITIGATION MEASURES

LESS-THAN-SIGNIFICANT IMPACTS

The following impacts were identified as less than significant, and therefore no mitigation is required:

4.3-a: Loss of Common Natural Communities/Wildlife Habitat

4.3-b: Impacts to Special-status Species

SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The following impacts were identified as potentially significant or significant. Mitigation to reduce these impacts to a less-than-significant level is described below:

4.3-c: Electrified Fence Impacts on Wildlife

Before approval of the project, CDC will consult with USFWS and DFG to determine a course of action that minimizes wildlife electrocutions to the extent feasible and compensates for impacts on native wildlife species. It is anticipated that this would be accomplished using the tiered mitigation approach developed as part of the Statewide Electrified Fence Project. The mitigation includes a three-tiered approach that minimizes and mitigates impacts to wildlife species at risk of electrocution. Consultation with USFWS and DFG under ESA and CESA is not proposed because no state or federally listed species or candidates for listing are considered at risk of electrocution. CDC is committed to developing and implementing the three tiers of mitigation outlined below.

- **Tier 1:** The first tier of mitigation measures are those designed to eliminate or reduce wildlife attractants near the prison perimeter by implementing specific maintenance and operation procedures. By making the perimeter less hospitable, wildlife will frequent this area less often, thus reducing their exposure to accidental electrocution. Tier 1 maintenance and operation procedures, developed specifically for SQSP, will be incorporated into a handbook and a training module to be used by CDC staff.

- **Tier 2:** Second tier mitigation measures consist of both exclusion and deterrent devices. Tier 2 measures that will be installed at SQSP include a vertical netting system and anti-perching devices. CDC will install ¾-inch mesh vertical netting enveloping both sides of the lower section of the electrified fence, which would otherwise present the greatest danger to wildlife species at risk of electrocution. Anti-perching wires, which consist of 2- to 4- inch pieces of stiff wire connected to an aluminum base, will be strategically attached to the tops of perching sites in and near the perimeter. Once installed, this wire would reduce the ability of birds to perch near the electrified fence, thus reducing exposure to accidental electrocutions.
- **Tier 3:** The third tier of mitigation includes compensatory mitigation that will fully compensate for residual wildlife mortality impacts. A quantitative analysis will be completed to determine if habitat enhancement is required to offset the annual loss of migratory birds resulting from electrocution. Habitat enhancement will be developed and funded by CDC to offset, by improving opportunities for reproductive success, impacts to migratory birds affected by the project. Habitat enhancement can include property acquisition, management actions, habitat restoration, and habitat creation. The mitigation sites could include state, federal, or private lands located anywhere in California that supports a large percentage of the species at risk of electrocution at SQSP.

4.3-d: Impacts to Jurisdictional Waters of the U.S.

- ~~Authorization for placement of fill in the ditch will be secured from USACE via the Section 404 permitting process, which could include compliance under the Nationwide Permitting (NWP) Program before project implementation and coordination with BCDC, the CDC and DFG shall be conducted as part of the process.~~ A wetland delineation of the excavated ditch was conducted in 2004 and submitted to the San Francisco District of USACE. A delineation verification visit has been conducted with USACE and the verification letter is currently pending. Coordination with USACE also identified Nationwide Permit 33 (Temporary Construction Access and Dewatering), Nationwide Permit 39 (Residential Development), and Nationwide Permit 7 (outfall structures) will likely be the permits to authorize the project.
- As part of the Section 404 permitting process, CDC shall comply with the requirements of the NWP program or a conceptual wetlands mitigation plan shall be developed by a qualified wetland biologist. The acreage of waters of the United States that would be removed (approximately 0.2 acres) will be replaced or restored/enhanced on a “no-net-loss” basis in accordance with USACE regulations. The mitigation plan will quantify the total jurisdictional acreage lost, describe creation/replacement ratios for acres filled, annual success criteria, potential mitigation sites, and monitoring and maintenance requirements. The plan will be prepared by a qualified wetland biologist pursuant to, and through consultation with the USACE and the other regulatory agencies, as applicable. Implementation of the plan would fully compensate for the loss of jurisdictional waters of the United States.
- A Section 401 Clean Water Certification application will be submitted to RWQCB at the same time the Section 404 permit application package will be submitted to USACE.
- CDC will coordinate with CDFG regarding the need to obtain a Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code. If it is determined that an SAA is needed, a permit application package will be prepared. Any mitigation implementation in compliance with Section 404 of the CWA described above is expected to satisfy Section 1602 requirements as well.

4.5 CULTURAL RESOURCES

Culturally significant resources are generally separated into two categories: archaeological resources and historical resources. The following section addresses the project's potential to adversely affect archaeological and historical resources at the project site. This analysis is based on existing data review and field inspection of the project site and adjacent areas.

As described in Chapter 4, where appropriate and relevant, the analysis in this section identifies the differences in impacts that would be anticipated to occur with implementation of the project under 4 conditions: budgeted inmate capacity, maximum design inmate capacity, single level design option, and stacked design option. In the case of cultural resources, impacts result only from the design characteristics (single level or stacked design option) of the project that would alter the footprint of the facility. The number of inmates housed at SQSP would have no bearing on this issue and is not considered in this analysis.

The background research conducted for the project included a review of available information, including National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) listings, at the Northwest Information Center (NWIC) at Sonoma State University. In addition, an architectural inventory of structures on the project site and within the existing SQSP boundaries was performed by Myra Frank Associates/Jones and Stokes Incorporated (2004). The results of this inventory are described in this section. CDC ~~will initiate consultation~~ undertook a field visit and consulted with the State Historic Preservation Officer (SHPO) on November 8, 2004, to confirm the findings presented in this section.

4.5.1 EXISTING CONDITIONS

REGIONAL PREHISTORY

The earliest archeological study that included the project site (Nelson 1909) is also one of the most valuable because Nelson mapped Indian shell mounds in the San Francisco Bay area before the increasing pace of development destroyed a majority of these resources. Nelson recorded two sites near the project site. Excavations were conducted at one of these sites (CA-MRN-80) in 1955 by Treganza (1957) who recovered a large number of artifacts as well as eight burials. The second site (CA-MRN-79) was tested in 1980 and found to be almost totally destroyed by previous grading activities (Archeo-Tec 1980b).

A third site (CA-MRN-255) was also recorded by Treganza in the project area. All investigators at this site noted that the upper levels of the site had been destroyed. In reference to this site, an 1860 article in the Marin journal reported that "an Indian rancheria of great depth was excavated near San Quentin. Fifteen or sixteen Indian skulls were removed" (Holman Associates 1979). Artifacts found at the site indicated that it was occupied in the Middle Horizon, a cultural period extending from about 2000 B.C. to A.D 250 (Archeo-Tec 1980a). Evidence of later occupation was probably removed with destruction of the upper levels of the site.

In 1980, Archeo-Tec conducted a subsurface examination within the prison grounds. No cultural material was observed; however, cartographic data of considerable importance was collected (Archeo-Tec 1980a). Early maps of salt marsh areas in the San Quentin vicinity showed that virtually the entire project site was a marshy inlet until it was filled sometime during the early years of this century. Only the far northern edge of the project site, nearest the central ridge of the peninsula, and the hill on the western side of the project site, now known as Dairy Hill, could have been dry enough to allow prehistoric habitation (Peak & Associates 1990).

Regional Ethnology

The project site is within the ethnographic territory of the Coast Miwok. There is evidence, from a newspaper account (Taylor 1914) and from an 1860 map of the area, which shows “Aldea de los primero habitantes – los viejos” in the area of one of the previously recorded archaeological sites, of a Coast Miwok village on San Quentin Point during the historic era. Taylor places a village somewhere on San Quentin Point in 1849. This location may have been used only after contact with the whites, excluding the much earlier occupation known through archeology. The most recent summary of Coast Miwok ethnology (Kelly 1978) places the nearest main village, “awani-wi,” just north of San Rafael.

The Coast Miwok occupied what is now Marin County and part of Sonoma County, as far north as Sebastopol. There is extensive coastline in this territory and resources from the sea and salt marshes were important for Coast Miwok subsistence.

REGIONAL HISTORY

There are assertions that Sir Francis Drake may have landed on or near the project site in 1579, but no solid evidence supports this conclusion. Despite its location on San Francisco Bay and its possible connection with Sir Francis Drake, Point San Quentin was relatively undeveloped until more recent times. In 1852, 20 acres of land was sold to the State for establishment of a prison. For many years the prison was the only substantial structure on Point San Quentin.

The original prison property did not encompass the project site. This area was a marshy inlet at that time. The only other structure shown on Point San Quentin prior to 1868 is a single residence. The notations “Brick kiln,” “stack,” and “Old Brickyard” are identified on an 1868 map west of the site. The kiln and stack that are now on the subject property to the west (i.e., off the project site) were built in 1891 and continued operation until 1913. They were placed on the NRHP in 1978.

The early prison economy included a brick making operation that used clay deposits located on the prison grounds. These clay deposits were soon exhausted after initial excavations. Other activities included a prison farm located near Dairy Hill. In more recent years, Dairy Hill was used for temporary storage of transformers.

Other historical activities in the project area include the construction of the stucco houses just north of the project site. These houses were constructed for prison employees and their families. A school located on the northern portion of the project site was established at the same time. The school structure is currently used as a prison support structure (i.e., employee gym). The residences and school are discussed in more detail below.

RESOURCES ON OR ADJACENT TO THE PROJECT SITE

Archaeological Resources

A records search was conducted for the project site in May 2004 by the NWIC. This search included review of the NRHP and CRHR listings, as well as a review of historic maps of the project site and surrounding area. Although the records search did not identify any previous studies or previously recorded sites within the SQSP boundaries, a cultural resources assessment of the project site was conducted in 1990 for a project that was never implemented by CDC (Peak & Associates 1990). This report was not submitted to CRHR or local historic preservation society but was prepared on behalf of CDC. A copy of this report is available for review at CDC, 501 J Street, Sacramento, California.

A qualified EDAW archaeologist performed a reconnaissance-level survey of the project site to identify any visual evidence of archaeological material on the ground surface. Much of the project site has been previously developed and covered with impervious surfaces (e.g. asphalt, gravel) such that survey of open areas where archaeological resources could potentially be viewed was not possible. Areas that were visible were inspected for evidence of archaeological resources, however no archaeological material was identified.

Historical Resources

Historical Resources on the Project Site

SQSP, first established in 1852, is California's oldest and best known prison, and is the only state prison housing condemned male inmates. The period of significance of a historical resource is the length of time from when a property was associated with important events, activities, or persons, and attained the physical characteristics that convey its historical significance. Period of significance usually begins with the date significant activities or events took place. For buildings, the period of significance usually ends with the date of a major alteration or 50 years prior to the date of evaluation. Both NRHP and the CRHR have established 50 years as a time period to understand the historic importance of a resource. Events and activities that occurred within the last 50 years must be exceptionally important to be recognized as historic and to justify extending a period of significance beyond the limit of 50 years. The period of significance for SQSP is 1852 to 1954 (its origin to 50 years ago).

A number of structures including shops, storage facilities, barracks buildings, and an abandoned detergent plant and wastewater treatment plant are located on the project site. The assessment conducted by Peak & Associates (1990) identified the old schoolhouse as the only aged resource within the project site.

SQSP is not listed in the NRHP or the CRHR, however certain buildings and structures within the existing SQSP boundaries would likely meet the criteria for listing in both registers. The architectural inventory conducted for the project by Myra Frank Associates/Jones and Stokes (2004) identified one historic-era building within the project site (i.e. the San Quentin school house) that appears eligible for listing in these registers. This is discussed in more detail later in this section.

Historical Resources Adjacent to Project Site

Two buildings located adjacent to, but outside of the boundaries of the project site were identified as being potentially eligible for listing on the NRHP and CRHR. These buildings include guard tower 5, and warehouse 4 (with warehouse 2 and 3). These resources are discussed in more detail later in this section. Other significant buildings located on the prison grounds (east of the project site) that retain integrity and were constructed within the period of significance (50 years ago or more) would likely be eligible for listing based on their association with development of the California correctional system. For example, seismic retrofit studies completed in 1995 through 2000, indicate that the east Block, south Block, north Block, and Neumiller Infirmary are known to have been treated as important State-owned historical resources under PRC 5024.5. Other buildings that are of importance in the history of SQSP, such as the Old Spanish Prison (located in the main complex) are presumed to be historical resources even though they have never been formally evaluated and were not identified in the records search.

The construction chronology of facilities and structures located at SQSP is presented in Table 4.5-1 and identifies the buildings constructed within SQSP's through 1989. This chronology is not intended to evaluate whether or not such buildings retain integrity or are otherwise significant. The majority of information in the following table was summarized from an information pamphlet, Historical Background of San Quentin, provided by the CDC, last revised in 1996. Additional information was obtained from the SQSP: East Cell Block—Summary Historic Evaluation Report, prepared by Carey & Co. (1995).

Buildings and structures located within the project site that could be affected or otherwise altered by the project are identified in a bold font. Exhibit 4.5-1 depicts the project site and SQSP as viewed from the Larkspur Ferry.

Table 4.5-1 Chronology of Important Events and Construction at San Quentin State Prison	
1824	Indian Sub Chief Quentin (or Kaynteen) was captured on the SQSP site by Mexican soldiers and imprisoned in what is now known as the Presidio in San Francisco. The SQSP site became known as Puente de Quentin.
1850	The U.S. Coast Survey Team named the site Point San Quentin, thereby erroneously sanctifying the name Quentin.
1851	A prison ship, the Waban, was anchored near Angel Island, three miles southeast of San Quentin.
1852	<p>July 7: 20 acres of land was purchased for \$10,000 at Point San Quentin.</p> <p>July 14: the prison ship Waban (with 40 to 50 prisoners) arrived and was anchored at Point San Quentin.</p> <p>September 5: The deed was granted for brickyard—bricks used for prison construction. [The location of the brickyard is identified on the General Land Office Plat Map, Township 1N, Range 6W, MPB&M, 1865.]</p> <p>October 12: the contract was negotiated to build the first cell block (a.k.a. the Old Spanish Prison).</p>
1853	Warden's residence was constructed for \$14,453 (frame construction, 41' x 65').
1854	The main entrance-guard quarters was constructed for \$11,566.83 (brick & concrete construction, 66' x 69' front portico, wings 37' x 191' and 37' x 84').
1855	A contract was executed for James Smiley to construct the prison walls using prison labor for \$180,000 (lower 10' constructed of rough hewn stone, upper 10' constructed of brick, with a 4' capstone).
1857	A cell building, a 30' x 600' work shop, the officer's quarters and the office building were constructed.
1859	<p>The hospital, library, chapel and tubercular ward were constructed for \$9,472 (brick & concrete construction, 52' x 439', addition constructed in 1885).</p> <p>The Captain of Yard's office was constructed for \$9,424 (brick construction—demolished in 1956).</p> <p>Folsom was selected as the location of the second state prison to alleviate overcrowding at San Quentin; the first transfer of inmates to Folsom did not occur until 1880.</p>
1861	The State assumed permanent control of administration of San Quentin.
1868	A new prison building was constructed to the design of San Francisco architect A.A. Bennett, who served as State Architect from 1876-1883.
1875	Construction of the second and third units of the Old Spanish Prison were completed. (Carey & Co. 1995)
1882	The shops and factory were constructed (4-story, brick construction, 56' x 386', demolished in 1978)
1883	The fourth unit of Old Spanish Prison was constructed for \$40,351 (brick construction, 22' x 173').
1885	Building additions to hospital, library, chapel and tubercular ward were constructed for \$15,258.77.
1893	<p>March 23, the state legislature passed the first parole law.</p> <p>Post #3 completed for \$590 (reinforced concrete construction, 14' diameter, no longer extant).</p>
1902	July 1, Warden M.G. Aguirre reported the net profit from operation of the jute mill for the three previous years as \$133,235.75.

<p align="center">Table 4.5-1 Chronology of Important Events and Construction at San Quentin State Prison</p>	
c. 1902	<u>Some of the staff residences to the north side of Valley Way (Residences 26, 28, 30, 32, 34, 36, 38, and 40) were constructed of wood frame in the early Craftsman Bungalow style.</u>
1904	Building 50 (portion) and warehouse 2, 3, and 4 were constructed. There are some alterations to these three adjoining warehouse buildings, such as a stucco coating over brick, and conversion of a slightly pitched roof to a flat roof, but overall, the warehouses retain their historic character. The warehouses have arched doors, a roof parapet, pin hinges on interior doors (probably original). There are several major cracks, which indicate seismic instability.
1906	Building 67 and the Detergent Plant/Old Slaughter House were constructed. There are many alterations to this deteriorated and neglected brick building, which include a corrugated metal addition in 1961, and a more recent concrete block wall addition on the east elevation. The windows on the east side have been replaced with sash. A drainage ditch is located on the east side of the building. The earthen ditch has a rip-rap lining.
1909	On April 5th, drawings were completed by the State of California Department of Engineering for the construction of new prison buildings, including plans and elevations of exterior buttressed wall, main (south) wing, rotundas linking wings, “right rear” (east) wing and “left rear” (west) wing. The new building drawings were annotated as follows: “Adopted by the Advisory Board / August 8, 1911.” (Carey & Co. 1995)
1910	Construction begins on the south block and walls. A contemporary text [not cited] on California prisons notes: “The main wing (south block) of the new cell building at San Quentin is now almost completed, and will represent the highest development of modern prison construction. The building is of reinforced concrete, 570 feet long, sixty feet wide, with walls nearly seven feet thick at the base and three and one-half feet thick at the top, and forty-six feet high...All of the labor has thus far been done by the prisoners...The plans of the prison authorities call for two additional wings, one flaring from each end of, and connecting with, the main building...Walls connecting the new building with the old will enclose two additional yards, permitting the segregation of the prisoners into three classes at all times.” (Carey & Co. 1995)
e. 1912	<u>Some of the staff residences to the north side of Valley Way were constructed of wood frame in the Craftsman Bungalow style.</u>
1912	The general mess building (south dining hall) was constructed for \$40,415 (reinforced concrete construction, 187' x 206').
1913	<p>Striped inmate uniforms were abolished by Warden John E. Hoyle.</p> <p>South block was constructed for \$304,644 (reinforced concrete construction, 75' x 574'). With 800 cells, South Block was considered the largest cell block in the world until it was divided into four sections in 1948. There is a photograph of south block and south dining hall in the September 1918 issue of Architect and Engineer of California (page 113, note: the captions are reversed).</p> <p>A salt water pumping plant was constructed (reinforced concrete, 17' x 26').</p> <p>A refrigeration plant was constructed (reinforced concrete construction; after 1975 the building served as the maximum custody non-contact visiting area).</p> <p>Building 51 (the old barn) was constructed. Previously a horse barn, the building was modified to serve as office space in 1991. The building is currently used for storage.</p>
1918	The guards auditorium was constructed for \$12,133 (reinforced concrete, 45' x 76').
1923	Building 95, the San Quentin School House (Valley Way) was constructed. This building has few exterior alterations and has been closed since 1965. The building is currently used as a recreational facility, which may have resulted in some interior alterations. There are granite walls with concrete caps serving as retaining walls on the southern elevation.

<p align="center">Table 4.5-1 Chronology of Important Events and Construction at San Quentin State Prison</p>	
1925	The boiler room was constructed for \$70,237 (brick & concrete construction, 45' x 60').
1926	Staff residences, numbers 1- 46-31 (odd), 2-24 (even) and 46-52 (even) Valley Way, were constructed of wood frame and stucco, generally in the English Revival style. Residences 1, 3-5, 7, 9, 11, 13, and 15 are adjacent and north of the project site. All appear to have been altered by a porch enclosure, the windows replaced with aluminum sash, and some window openings were re-sized. Residence 9 also has a handicap ramp built on top of the stairs, an essentially reversible alteration.
1927	West block construction was completed, adjacent to existing exterior wall (Carey & Co., 1995) The female prison, now the Neumiller Infirmary, was constructed for \$147,583. The building was constructed of reinforced concrete, and measured 127' x 141'. This facility converted to a hospital in 1934 after the female prisoners were transferred to Tehachapi. The yard shed was constructed through private donation.
1930	East block was constructed for \$304,664 adjacent to existing exterior wall of east rotunda. The facility was constructed of reinforced concrete (63' x 340') on reinforced concrete foundations with concrete floors, stucco finished walls and a slate roof. The facility provided 570 cells that could house 1,140 inmates. It should be noted that this facility was not built exactly to 1909 plans. (Carey & Co., 1995)
1932	May 16: final plans were completed for north cell block and solitary confinement. Female prisoners were moved from San Quentin to Tehachapi Women's Prison.
1933	Building 50 (portion), warehouse 5, <u>was constructed.</u> It appears to have been substantially altered with changes to the windows, doors, and loading area.
1934	The north block was constructed (Carey & Co., 1995).
c. 1936	The death row housing unit was constructed above north block as a segregated sixth floor maximum security unit with a capacity of 68 single cells.
1936	Building 76, the dairy building, was constructed. The dairy building has undergone many alterations, especially wall partitions for internal rooms. The dairy, chicken ranch and hog ranch were operated by members of the Jordon family until 1966. The windows, siding, and doors have been replaced. There is chain link infill in some areas. The building is currently used as a shop. <u>Staff residences 54-64 (even), 71-77 (odd) and 68-80 (even) were constructed north of Valley Way. These were designed in the English Revival style, with residential quarters above the garage.</u>
1938	Building 65, the landscaping department building/out grounds/green house, was constructed. This building has a full panel corrugated metal sliding door and sash windows.
1944	Building 54 was originally built as a garage. The building is now used for storage.
1945	The first rules and regulations of the Department of Corrections were issued; the inmate welfare fund was established; the term "guard" was changed to "correctional officer."
1946	Steel quonset huts were installed in lower yard for vocational plumbing, painting, and other programs; they were demolished in 1978.
1946	Tower 5 was constructed. Tower 5 has had no apparent alterations.
1947	The prison name changes from San Quentin State Prison to San Quentin Correctional Training Facility.
1950	The west block annex was constructed as offices for a reception center.
1950	Building 73, old veterinary building, was constructed. Some windows have been replaced.
1950	The old butcher shop building, near dairy building (76) was constructed. The building appears to have been layered with stucco.

Table 4.5-1 Chronology of Important Events and Construction at San Quentin State Prison	
1950	Building 71, ranch kitchen/dining hall, was constructed. Some of the doors have been replaced. Character defining features include sash windows and decorative truss and wood paneled ceiling. There are incompatible additions: a concrete block addition on the south façade and an addition with wood panel exterior on the south elevation, adjacent to the kitchen.
1954	End of 50-year Period of Significance for San Quentin State Prison, as of 2004.
1955	The old jute mill burned down.
1956	The cotton textile mill opens; its production ceased in 1969.
1956	Construction of CMU Buildings.
1958	The chapel complex was constructed.
1959	The adjustment center was constructed (Carey & Co. 1995).
1961	The refrigeration building, opposite dairy building (76) was constructed. This building has metal siding with metal casement windows, and a metal sliding door.
1965	June 1: Construction began on the inmate activities building (gym, on the site of the old jute mill).
1967	Major inmate disturbances erupted, including assaults, stabbings, and shootings. The west block annex was partially destroyed by fire. A major renovation effort including classrooms and guard posts was described by Nelson [not cited]: “All sections have recently been completely renovated with fire alarms and sprinklers, new plumbing, electrical, heat and air interchange and then repainted as part of renovation programs. Due to the fact that salt water had originally been used in all the cell blocks until 1967 for showers and commodes, the piping had deteriorated to the extent that not only did new plumbing have to be provided for the new fresh water system, but new toilets and sinks as well.” (Carey & Co., 1995)
1969-70	“Job Core” portable buildings were moved to San Quentin for 108 inmate housing units.
1971	Correctional Officer Leo Davis was murdered by inmates who were part of the “Black Panthers” revolutionary group; Inmate George Jackson freed 23 inmates who proceeded to kill three correctional officers: Sergeant Jerry Graham, Frank Deleon, and Paul Krasenes; As a result, San Quentin State Prison is nearly closed by the Governor.
1983	H-Unit was constructed for \$3 million.
1985	Level IV prisoners are transferred from San Quentin to newly operational maximum security prisons in other areas of California; San Quentin becomes a Level II prison.
1988-89	The inmate dorms were constructed, replacing “Job Core” units.
Source: Myra Frank Associates/Jones & Stokes Associates 2004	



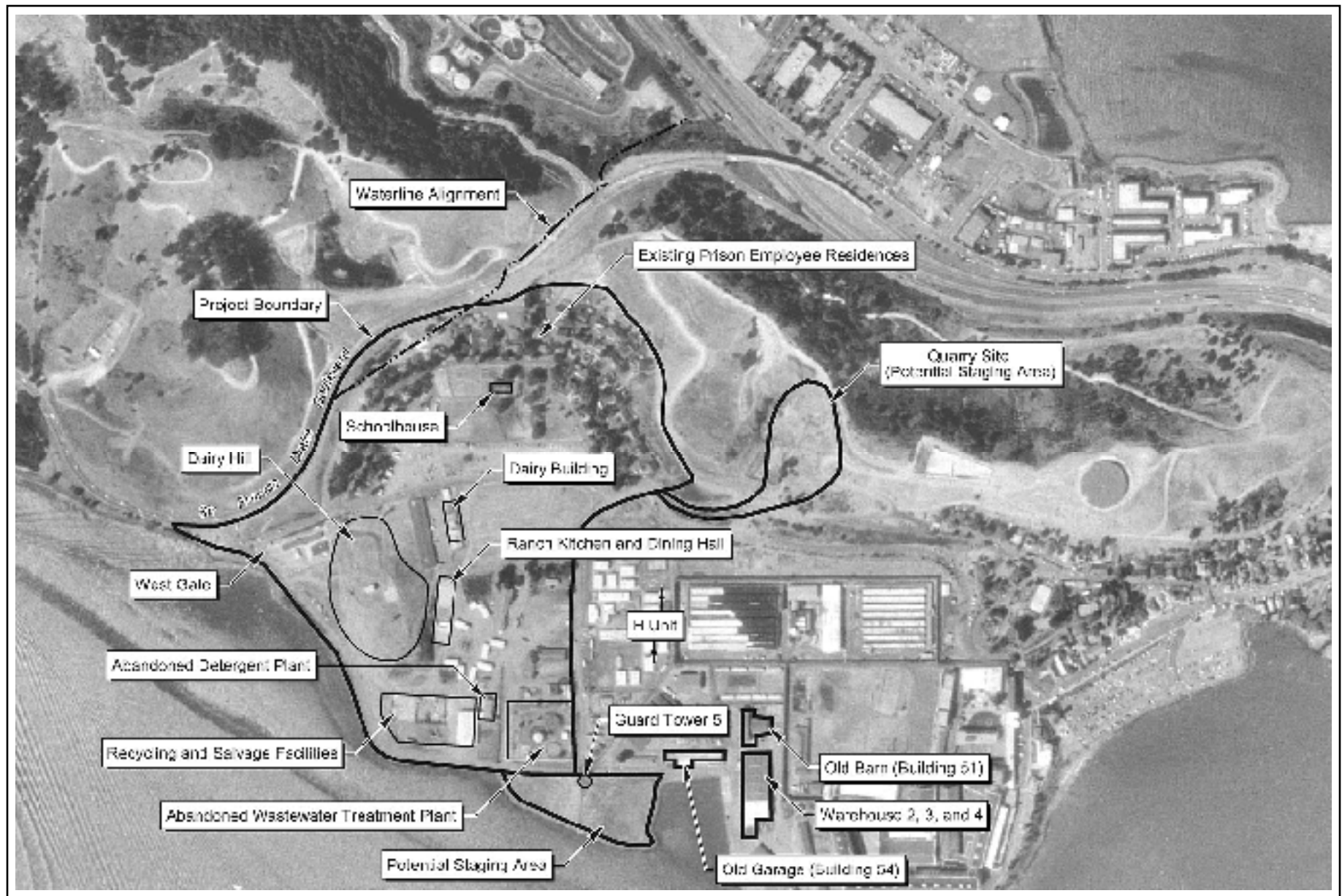
Exhibit 4.5-1 Existing view of project site in the foreground. The south and north cell blocks are visible in the background, to the right of frame.

Known Important Cultural Resources at SQSP

Historically Significant Structures

- [Based on the records search, research, and SHPO site visit on November 8, 2004, three \(3\) buildings and one \(1\) district on or adjacent to the project site were identified as historically significant, as follows:](#)~~and include~~
- [warehouse 4 \(with warehouses 2 and 3, building 50, built 1904\),](#)
- [building 51 \(the old barn, built 1913\),](#)
- [tower 5 \(building T-5, built 1946\), and the](#)
- [Valley Way Historic District, which includes the schoolhouse \(building 95, built 1923\) and staff residences 1–80 \(built in 1902, 1923, and 1936\).](#)

These buildings [and the district](#) are described in greater detail below and identified in Exhibit 4.5-2.



Source: Kitchell 2003; EDAW 2004

Buildings and Features on and Adjacent to the Project Site

EXHIBIT 4.5-2



Exhibit 4.5-3 Warehouse 4 (with warehouse 2 and 3)

Warehouses 2, 3, and 4 (Exhibit 4.5-3) are located east of the project site outside the proposed development area. These buildings are historically significant because they are the oldest buildings remaining at SQSP. These buildings were used for loading and unloading of prison supplies and products from ships entering San Francisco Bay. As shown in Exhibit 4.5-2, there have been some alterations to the adjoining warehouse buildings, including stucco coating over brick, and conversion of a slightly pitched roof to a flat roof. However, these buildings have retained their historic character. Warehouse 4 has retained most of its historic character and, in comparison to the other warehouse buildings, is the most historically significant building. Warehouses 3 and 4 have arched door openings. Warehouse 4 has a roof parapet and pin hinges on interior doors, which are likely the original pins. The presence of several major cracks in warehouse 3 indicate that it may be seismic instable. Warehouse 2 has the least architectural significance, and has lost some integrity because it appears to have been shortened in the rear.



Exhibit 4.5-45. [Valley Way Historic District](#)—San Quentin Schoolhouse (Building 95, built 1923)

The Valley Way Historic District consists of the former schoolhouse building and staff residences 1 through 80. The San Quentin schoolhouse building (Exhibit 4.5-45) is located on Valley Way, in the northern portion of the project site. This schoolhouse was the third school constructed at SQSP. There have been very few exterior alterations to this building. Some windows have been replaced and the building has been re-roofed. The school closed in 1965 and the building is currently used as a recreational facility (i.e., gym). The current use resulted in some interior alterations. For example, carpet was installed in some rooms and some fixtures were replaced. There are granite walls with concrete caps serving as retaining walls on the southern elevation. The retaining wall is an attractive feature, but it is not a character-defining feature of the schoolhouse building because the original retaining walls were concrete, not stone. The school house is historically significant because of its architectural character, a blend of the Romanesque and English Revival style. Further, because there have been very few alterations to the schoolhouse over the years, it retains several aspects of integrity, including materials and workmanship as well as feeling and association. Although this was the third school constructed at SQSP, this is the only schoolhouse remaining on the prison grounds. As such, it is a visible reminder of the prison's facilitation of prison employees and their families.



Exhibit 4.5-6. Valley Way Historic District—Staff Residences 1-80

The staff residences 1 through 80 (Exhibit 4.5-6) in the northern portion of the project site along Valley Way were constructed in three distinct phases: 1902, 1926, and 1936. Staff residences (26, 28, 30, 32, 34, 36, 38, and 40) were constructed in 1902, are one-story, wood clad and wood frame single family homes designed in the early Craftsman Bungalow style. Staff residences, numbers 1–31 (odd), 2–24 (even) and 46–52 (even), were constructed in 1926, are one story, stucco clad and wood frame, designed in the English Revival style. Staff residences 54–64 (even), 71–77 (odd) and 68–80 (even) were constructed in 1936, are one-and-one-half stories, stucco clad and wood frame, designed in the English Revival style, with residential quarters above the garage. All residences appear to have been altered to some degree, but overall they retain integrity of design, materials, setting, location, workmanship, feeling and association. Based on consultation with the SHPO during a field visit on November 8, 2004, these homes and the schoolhouse comprise a historic district that appears to meet the criteria for listing in the California Register of Historic Places, and would therefore be a historical resource for the purposes of CEQA. The historic district would meet criterion 1, for its association with the history and development of SQSP, as the oldest staff housing on the SQSP grounds.



Exhibit 4.5-~~57~~. Tower 5 (Building T-5)

Tower 5 (Exhibit 4.5-~~57~~) was constructed along the shoreline of San Francisco Bay in 1946. This tower appears to have no apparent alterations. Tower 5 is historically significant because it is a resource type unique to a prison, was constructed within SQSP's period of significance, and retains all aspects of integrity.

Other Structures at SQSP

~~Fifteen (15)~~Eight (8) buildings constructed at SQSP prior to 1954 were found not to be historically significant because these structures lack architectural quality or integrity. These buildings are described below and identified in Exhibit 4.5-2.



Exhibit 4.5-68. Detergent Plant/Old Slaughter House (Building 67)

The detergent plant/old slaughter house building (Exhibit 4.5-68) is located in the southern portion of the project site and has undergone several alternations. This facility ceased operations around 1988. There is evidence of long-term deterioration and neglect as a result of its discontinued use. This building was originally constructed in 1906, a corrugated metal addition was added to the building in 1961, and a concrete block wall addition on the east elevation was constructed more recently. The windows on the east side have been replaced with sash. A drainage ditch is located on the east side of the building. Even though this building is believed be the oldest agricultural building on the SQSP, the integrity of the construction materials, design, workmanship, feeling, and association have been substantially diminished. Therefore, this building would not qualify as a historical resource eligible for listing on the CRHR.



Exhibit 4.5-7. Staff Residences Located Along Valley Way

The staff residences (Exhibit 4.5-7) in the northern portion of the project site were constructed in 1926 of wood frame and stucco, generally in the English Revival style. All residences appear to have been altered by a porch enclosure, their windows replaced with aluminum sash, and some of their window openings were re-sized. A handicap access ramp was constructed over the entry stairs of residence 9. This alteration appears to be reversible. Staff residences 1-13 (odd numbered) exhibit limited architectural quality and have lost some integrity of materials and design and are not individually significant historical resources. However, these homes may contribute to a historic district (consisting of SQSP staff residences on the project site) because of their architectural similarity and shared history. The potential for a historic district has not yet been established and is contingent upon further research and discussion with SHPO. Some other staff residences located along the north side of Valley Way were constructed

~~circa 1912 in the Craftsman Bungalow style and exhibit a higher degree of architectural quality compared to staff residences 1-13 (odd-numbered).~~



Exhibit 4.5-~~89~~. Warehouse 5 (portion of Building 50)

Warehouse 5 (Exhibit 4.5-~~89~~), located east of the project site, was constructed in 1933. This building appears to have been substantially altered with changes to the windows, doors, and loading area. Because this building does not represent the oldest warehouse building at SQSP, and lacks sufficient architectural quality and integrity, it would not qualify for listing on the CRHR.



Exhibit 4.5-~~910~~. Dairy Building (Building 76)

The dairy building (Exhibit 4.5-~~910~~), located within the project site, was constructed in 1936 and has undergone several alterations including partitioning for internal rooms. The dairy, chicken ranch, and hog ranch was operated by members of the Jordon family until 1966. This family is not viewed as having been important either in the prison history or California history. The windows, siding, and doors of the building have been replaced. There is chain link infill in portions of the building. This building is currently used as a shop. Because of the alterations and its lack of architectural quality and integrity, this building would not qualify for listing on the CRHR.



Exhibit 4.5-110. Landscaping Department Building/Out Grounds/Green House (Building 65)

The landscaping department building (Exhibit 4.5-110), located within the project site, was constructed in 1938. This building has a full panel corrugated metal sliding door and sash windows. While it largely retains integrity from its construction in 1938, it lacks adequate architectural quality or historical significance to qualify for listing on the CRHR.



Exhibit 4.5-142. Tool Control/Old Veterinary Building (Building 73)

The tool control/old veterinary building (Exhibit 4.5-142), located across from the dairy building, was constructed in 1950. Some windows have been replaced, but overall this building retains all aspects of integrity. However, it does not have sufficient architectural character or historical significance to qualify for listing on the CRHR.



Exhibit 4.5-123 Old Butcher Shop Building, near Dairy Building (Building 76)

The old butcher shop building (Exhibit 4.5-123), located within the project site, was constructed in 1950. This building appears to have been layered with stucco and converted to office uses. It lacks sufficient architectural quality and integrity to qualify for listing on the CRHR.



Exhibit 4.5-134 Ranch Kitchen/Dining Hall (Building 71)

The Ranch kitchen/dining hall (Exhibit 4.5-134), located in the center of the project site, was constructed in 1950. The character defining features include sash windows and decorative truss and wood paneled ceiling. It appears that there have been several incompatible additions to this building including a concrete block addition on the south façade and a wood panel exterior addition on the southern elevation, adjacent to the kitchen. Some of the building doors have been replaced over the years. Even though the Ranch kitchen/dining hall has some attractive interior elements and was constructed within SQSP's period of significance, the multiple additions have diminished its integrity such that it would not qualify for listing on the CRHR.



Exhibit 4.5-15. Old Garage (Building 54)

Building 54 (Exhibit 4.5-15) is located east of the project site. This building was constructed in 1944 as a garage. The west end of the building ~~wad~~ was rehabbed-rehabilitated ca. 1990 to facilitate a vocational auto instruction program. Most of the modifications were undertaken on the interior of the building, including the addition of f more rooms. Metal roll-up doors were added on the exterior. This building is now used for storage. Several major cracks may indicate seismic in stability. This building lacks sufficient architectural character and historical significance to qualify for listing on the CRHR.

4.5.2 REGULATORY BACKGROUND

CEQA and the State CEQA Guidelines provide five basic definitions as to what could qualify as a historical resource. Specifically, CEQA §21048.1 (Division 13 of the California Public Resources Code [PRC]), in relevant part, provides a description for the first three of these definitions, as follows:

a historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in PRC §5020.1(k), are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in PRC §5024.1(g) shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.”

Each of the first three definitions provided in the CEQA statute are described in further detail below, followed by a list of any on site or nearby historical resources that could meet those definitions.

- **Definition 1: Listed in the CRHR.** There are several ways in which a resource can be listed in the CRHR, which are codified under Title 14 CCR, §4851 as follows:
 - a. A resource can be listed in the CRHR by the State Historical Resources Commission.
 - b. If a resource is listed in or determined eligible for listing in the NRHP, it is automatically listed in the CRHR.
 - c. If a resource is a California State Historical Landmark, from No. 770 onward, it is automatically listed in the CRHR.

A historical resource may be eligible for inclusion on the CRHR if it:

1. is associated with events that have made a significant contribution to the broad patterns of California's history or cultural heritage;
2. is associated with the lives of persons important in our past; or
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

A resource must also retain the integrity of its physical identity that existed during its period of significance. Integrity is evaluated with regard to retention of location, design, setting, materials, workmanship, feeling and association.

There are no historical resources on or adjacent to the project site currently in the CRHR.

- **Definition 2: Determined eligible for the CRHR by the State Historical Resources Commission.**

There are no historical resources on or adjacent to the project site that have been formally determined eligible for the CRHR.

- **Definition 3: Included in a local register of historical resources.** Per PRC §5020.1(k): "Local register of historic resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

Because SQSP is a state-owned facility, local agencies (i.e. Marin County) have no such historic designations that apply to resources at SQSP.

State CEQA Guidelines §15064.5 supplements the statute by providing two additional definitions of historical resources. An historical resource is a resource that is:

- **Definition 4: Identified as significant in an historical resource survey meeting the requirements of PRC §5024.1(g), which are as follows:** A resource identified as significant in an historical resource survey may be listed in the CRHR if the survey meets all of the following criteria:

- (1) The survey has been or will be included in the State Historic Resources Inventory.
- (2) The survey and the survey documentation were prepared in accordance with office procedures and requirements.
- (3) The resource is evaluated and determined by the office [of Historic Preservation] to have a significance rating of Category 1 to 5 on DPR Form 523.
- (4) If the survey is five or more years old at the time of its nomination for inclusion in the CRHR, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.

Based on information obtained from the records search for the project site, it appears that no comprehensive historical resources surveys have ever been completed at SQSP.

- **Definition 5. Determined by a Lead Agency to be historically significant.** The fifth and final category of historical resources are those that are determined significant by a lead agency. This usually occurs during the CEQA compliance process, such as the preparation of this Draft EIR. According to CEQA Guidelines §15064.5(a)(3), “Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR (PRC §5024.1, Title 14 CCR, §4852)...”

As described in the preceding section, buildings on the project site (i.e., [Building 51/the old barn and the Valley Way Historic District, including the schoolhouse and staff residences 1-80](#)), and two buildings (i.e., warehouse 4 and tower 5) near the project site were identified as historically significant. [Potential impacts on these historical resources were discussed with the SHPO during the field visit on November 8, 2004.](#)

4.5.3 ENVIRONMENTAL IMPACTS OF THE PROJECT

THRESHOLDS OF SIGNIFICANCE

The project would have a significant effect on cultural resources if it would:

- cause a substantial adverse change in the significance of a historical resource;
- cause a substantial adverse change in the significance of an archaeological resource; or
- disturb any human remains, including those interred outside of formal cemeteries.

Historical Resources

State CEQA Guidelines §15064.5, Determining the Significance of Impacts to Historical Resources and Unique Archaeological Resources, has been applied to this project to determine the project's significant effects on historical resources. Therefore, the project would result in a significant impact if it causes a substantial adverse change in the significance of an historical resource based on the following criteria established by the CEQA Guidelines:

- (b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.
- (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration in the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.
- (2) The significance of an historical resource is materially impaired when a project:
- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics [of an historical resource] that account for its inclusion in a local register of historical resources (pursuant to PRC §5021.1(k)), or its identification in an historical resources survey meeting the criteria in PRC §5024.1(g), unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the CRHR as determined by a lead agency for purposes of CEQA.
- (3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

Archaeological Resources

CEQA protects archeological resources in the following manner:

- When a project would affect an archaeological site, a lead agency shall first determine whether the site is a historical resource, as defined in §15064.5(a) of the CEQA Guidelines.
- If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of PRC §21084.1, and §15126.4 of the CEQA Guidelines, and the limits contained in PRC §21083.2 do not apply.
 - ▶ If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archeological resource in PRC §21083.2, the site shall be treated in accordance with the provisions of §21083.2.

EFFECTS ON KNOWN IMPORTANT CULTURAL RESOURCES

Warehouse 4 (with Warehouses 2 and 3)

Warehouse buildings 2, 3, and 4 are located east of the project site adjacent to the existing prison facilities near the SQSP dock. These buildings are sufficiently distant from the project site that construction and operation activities would not alter or otherwise affect these buildings.

Building 51 (Old Barn)

With implementation of the H-Unit Proposal, neither design alternative would result in the demolition of Building 51. Therefore, no impact would occur.

Valley Way Historic District (Schoolhouse Building and Staff Residences 1 through 80)

Under the single level design option, project facilities would result in the demolition and removal of the schoolhouse building and approximately 57 of the staff adjacent residences to the north of the proposed project site. Because the ~~schoolhouse~~ historic district appears eligible for listing as a historical resource in the CRHR, demolition and removal of ~~these~~ buildings would be a significant impact under this design option.



Exhibit 4.5-16. View toward the rear of the schoolhouse.

Under the stacked design option, the schoolhouse building [and staff residences](#) would remain in place and a support services building, parking areas, and outer perimeter roadway would be constructed south of the schoolhouse building [and staff residences](#). The schoolhouse [and nearest staff residences are](#) located on a bluff approximately 10 feet above the plain where the CIC would be constructed. Exhibit 4.5-16 presents a view of the rear of the schoolhouse. Under the stacked design option, the closest facility (i.e., parking areas and support services building) of the CIC would be located approximately 30 feet south (rear) of the schoolhouse, and the closest building, 180 Degree Housing Unit, would be located approximately 110 feet south of the schoolhouse. The height of the stacked housing unit (the tallest solid structure at the site) would be approximately 44 feet above the ground surface. Because of the 10 foot topographical height differential between the location of this building and the schoolhouse (10 feet higher in elevation), the height of housing unit, relative to the ground level of the schoolhouse would be 40 feet for the stacked design option. When viewing the schoolhouse [and adjacent staff residences](#) from Valley Way (north of the schoolhouse), the housing units would be partially visible under this design option, however, they would not materially alter, in an adverse manner, the physical characteristics that convey the historical significance of the schoolhouse [or staff residences](#) and would not cause a substantial adverse change in the significance of the [buildingValley Way Historic District](#).

[Existing Staff Residences](#)

~~Under the single level design option, the 57 existing staff residences would need to be removed. CDC is consulting with SHPO to discuss the potential for these residences (collectively) to qualify as a historic district on the CRHR because of architectural similarity and share history. At this time it is unknown whether these residences would qualify as a historic district. Therefore, until SHPO makes a formal determination regarding the historic status of these residences, CDC has identified the removal of these residences as a potentially significant impact. If SHPO does not consider this to be a historic district, removal of these homes would be a less than significant cultural resource impact.~~

Under the stacked design option, the 57 existing staff residences would remain in place and a support services building, parking areas, and outer perimeter roadway would be constructed south of their location. The residences are located 10-20 feet above the plain where the CIC would be constructed. The closest facility proposed facilities(i.e., parking areas and support services building) would be located approximately 50 feet south of these residences and the closest building, 180 Degree Housing Unit, would be located approximately 130 feet south. The proposed facilities would be visible from some backyard areas of these residences; however, they would not materially alter, in an adverse manner, the physical characteristics of theses buildings. Further, because all residences would remain in place, the integrity and unity of the potential historic district would be maintained. This design option would have a less than significant impact on the existing staff residences [and Valley Way Historic District](#).

Tower 5

Tower 5 is located between the existing perimeter roadway and the shoreline of San Francisco Bay, immediately south of the project site. The tower is currently not in use and would be located outside of the perimeter of the proposed CIC. The project would not alter or otherwise affect the tower. Further, the project would be compatible with the historic character and setting of Tower 5 because of its historic prison-related function. The use of Tower 5 would not change with the implementation of the project.

The project under either the single-level or the stacked design options would not alter or otherwise affect warehouse 2, 3, and 4 and tower 5. Therefore the project (either design option) would have no impact on these historic resources (4.5-a).

The single-level design option would result in the removal of the schoolhouse ([part of the Valley Way Historic District](#)). Because the schoolhouse appears eligible for listing as a historic resource in the CRHR, removal of this building would be a significant impact (4.5-b).

The single-level design option would remove 57 staff residences ([part of the Valley Way Historic District](#)). ~~The historic status of these residences is uncertain. CDC will consult with SHPO to determine whether these residences form a historic district. If it is determined that they form a historic district, their removal of these residences would be a significant impact. If they are not deemed to be a historic district by SHPO, the removal of these residences would be a less than significant historic impact (4.5-c).~~

The stacked design option would not affect the schoolhouse or any of the staff residences. Therefore it would not affect any historically significant or potentially significant structures (4.5-d).

The single-level and stacked design options would not result in the demolition of Building 51. Therefore, no impact would occur.

EFFECTS ON UNKNOWN (BURIED) IMPORTANT CULTURAL RESOURCES

Limited archaeological investigations have been conducted within the project site. Previously recorded sites within the vicinity of the project site were either excavated or are no longer extant. Although no archaeological sites are present within the project site, the potential exists to encounter previously undiscovered cultural material during project-related construction activities (i.e., trenching and grading).

Because project-related construction activities could— disturb previously unknown, buried important cultural resources, this would be a potentially significant impact (Impact 4.5-ef).

4.5.4 PROPOSED MITIGATION MEASURES

LESS-THAN-SIGNIFICANT IMPACTS

The following impact was identified as less than significant. No mitigation is required.

4.5-a: Effects on Known Cultural Resources (Warehouse 2, 3, 4 and Tower 5)

4.5-d: Effects on Known Important Cultural Resources (Stacked Design Option: [Valley Way Historic District](#)—schoolhouse and staff residences)

SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The following impact was identified as potentially significant. Mitigation is available to reduce this impact to a less-than-significant level and is recommended below:

4.5-fe: Effects on Unknown (Buried) Important Cultural Resources.

- If earthmoving activities during construction uncover artifacts or unusual amounts of stone, bone, or shell, CDC will stop work in the general vicinity of the find and consult with a qualified archaeologist. If bone is uncovered and the bone appears to be human, California law requires that the County Coroner and the Native American Heritage Commission be notified. Construction personnel shall be alerted to the possibility of buried archaeological resources in the project area prior to construction activities, and shall be educated as to identification of archaeological artifacts.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

4.5-b: Effects on Known Important Cultural Resources (Single level Design Option: [Valley Way Historic District](#)—Schoolhouse).

Under the single level design option the schoolhouse building would be demolished and removed. ~~If the design option is ultimately implemented, m~~Mitigation measures for reducing ~~this~~ these impacts could include:

- Documentation of the historical conditions at the site,
- Recordation of the resource similar to the standards of the Historic Architectural Building Survey and Historic American Engineering Record (HABS/HAER) (i.e., photographing the site and preparation of a report that documents the history of the building), and
- Submittal of the HABS/HAER documents to the State Office of Historic Preservation (OHP) and to the local historic preservation society.
- Relocation of all or a portion of the schoolhouse building to an available area within the SQSP. The rear of the building is one and a half stories tall as a result of being built on a hillside. The bottom portion of this building would be severed if removed. This portion of the building, however, does not contribute to the overall architectural quality of the building. The architectural quality of the building is primarily conveyed on the front façade.

The recommended mitigation would appropriately document and record the conditions of the schoolhouse building. Further, relocation of the building would preserve the architectural features that potentially qualify this building for historic status. However, even with implementation of recommended mitigation, this impact would not be reduced to a less-than-significant level because the building would either be demolished and removed with no preservation, or the building, although relocated, would be removed from the neighborhood setting, which has contributed to its potential historical status. No other feasible mitigation is available. This impact would be significant and unavoidable.

4.5-c: Effects on Known Cultural Resources (Single-Level Design: [Valley Way Historic District](#)—Staff Residences)

Under the single level design option, 57 staff residences would be removed. ~~Because if~~ SHPO deems ~~eds~~ that these residences form a historic district with the schoolhouse, their removal would be a significant impact, and CDC would implement the same mitigation measures as under 4.5-b above.

This recommended mitigation, if needed, would also appropriately document and record the conditions of the residences. If relocation of some or all of the buildings is possible, the features could be preserved, but they would not be within their same historic context (relocation of this many houses on other parts of SQSP is not possible due to lack of space) because they would be removed from their neighborhood. No other feasible mitigation is available. This impact would be significant and unavoidable.

4.5-c: Effects on Known Cultural Resources (Building 51/Old Barn)

Although the project with the H-Unit proposal would have no impact on Building 51, consultation with SHPO was initiated.

As requested by SHPO on November 8, 2004, mitigation shall include preparation of a historical narrative and large-format archival photography in a format equivalent to HABS standards and the documentation shall be deposited in a local library or other public archive. Measured drawings would not be necessary.